

## **ATTACHMENT C**

Resolution and Ordinances for adoption by the Board

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 2012

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2012 - \_\_\_\_\_

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, THE LAND USE  
ORDINANCE, TITLE 22 OF THE COUNTY CODE, THE REAL PROPERTY DIVISION  
ORDINANCE, TITLE 21 OF THE COUNTY CODE AND TO ADOPT ORDINANCES AND TO  
APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, state law, public necessity, convenience and general welfare requires that the Land Use Ordinance be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan, the Land Use Ordinance and the Real Property Division Ordinance, adopted resolutions or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 3rd day of April, 2012, that the County General Plan, the Land Use Ordinance - Title 22 of the County Code and the Real Property Division Ordinance - Title 21 of the San Luis Obispo County Code be amended as follows:

1. Adopt the Shandon Community Plan dated September, 2011 as such appears on Exhibit LRP2003-00004/G030013M:A, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

2. Amend the San Luis Obispo County General Plan, Land Use Element, Shandon-Carrizo Area Plan, official maps, as such amendments appear on Exhibits LRP 2003-00004/G030013M:D, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

3. Amend the San Luis Obispo County General Plan, Land Use Element, Shandon-Carrizo Area Plan, as such amendments appear on Exhibits LRP 2003-00004/G030013M:C, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

4. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.110 relating to the Shandon-Carrizo Planning Area and the Shandon Urban Area" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

5. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Section 21.02.090 relating to duties of the Planning Commission and Subdivision Review Board as the Advisory Agency and Section 21.06.010 relating to discretionary time extensions" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

6. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

BE IT FURTHER RESOLVED AND ORDERED that the environmental document for the above enacted amendments be approved as follows:

1. Regarding the amendment that was processed on the basis of a General Rule Exemption, the Board of Supervisors finds that the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. Regarding the amendment that was processed on the basis of a proposed Final Environmental Impact Report, the Board of Supervisors reviewed and considered the proposed

Final Environmental Impact Report together with all comments received during the public review process prior to enacting the amendments. Further, on the basis of the environmental review and comments received for the Final Environmental Impact Report, there is no substantial evidence that the amendments will have significant, immitigable, unavoidable, adverse effects on the environment; therefore the Board of Supervisors hereby certifies the Final Environmental Impact Report pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) and adopts the recommended findings of the County Environmental Coordinator, and adopts statements of overriding consideration, which are attached hereto and incorporated herein as though fully set forth. The Final Environmental Impact Report prepared reflects the independent judgment of the County of San Luis Obispo, acting as the lead agency for the adoption and amendments.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances \_\_\_\_\_, said date being \_\_\_\_\_, 2012.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

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Chairperson of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

ATTEST

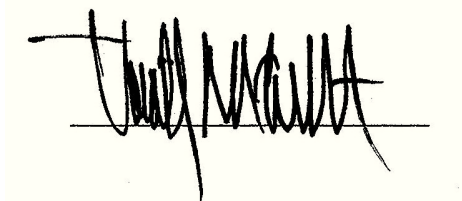
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County Clerk and Ex-Officio Clerk  
of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN  
County Counsel

A handwritten signature in black ink, appearing to read 'Timothy McNulty', is written over a horizontal line. The signature is stylized with many loops and flourishes. The entire signature and line are set against a light yellow rectangular background.

By: Chief Deputy County Counsel  
Timothy McNulty

Dated: March 16, 2012

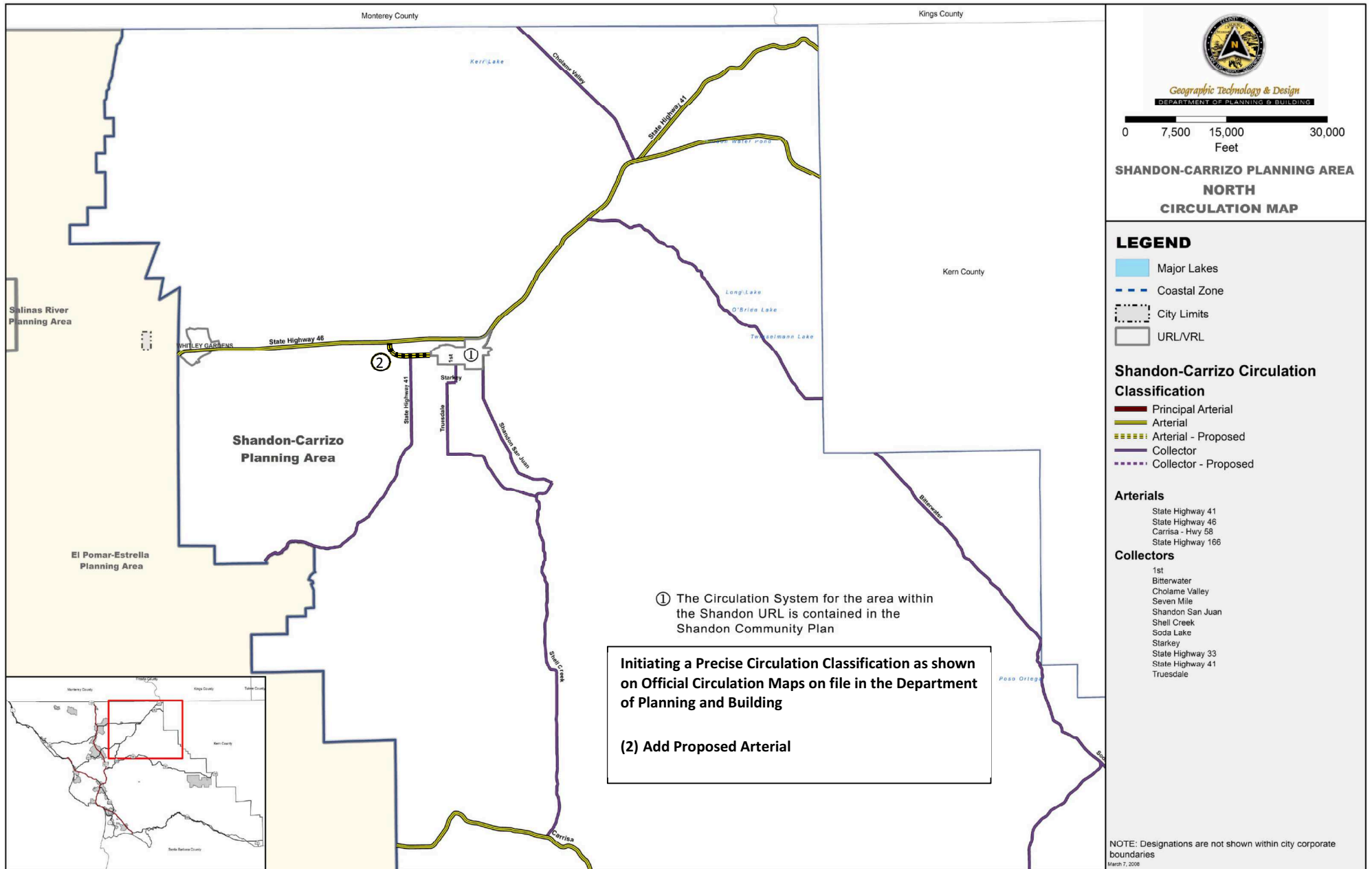
## **Exhibit LRP2003-00004/G030013M:A Shandon Community Plan**

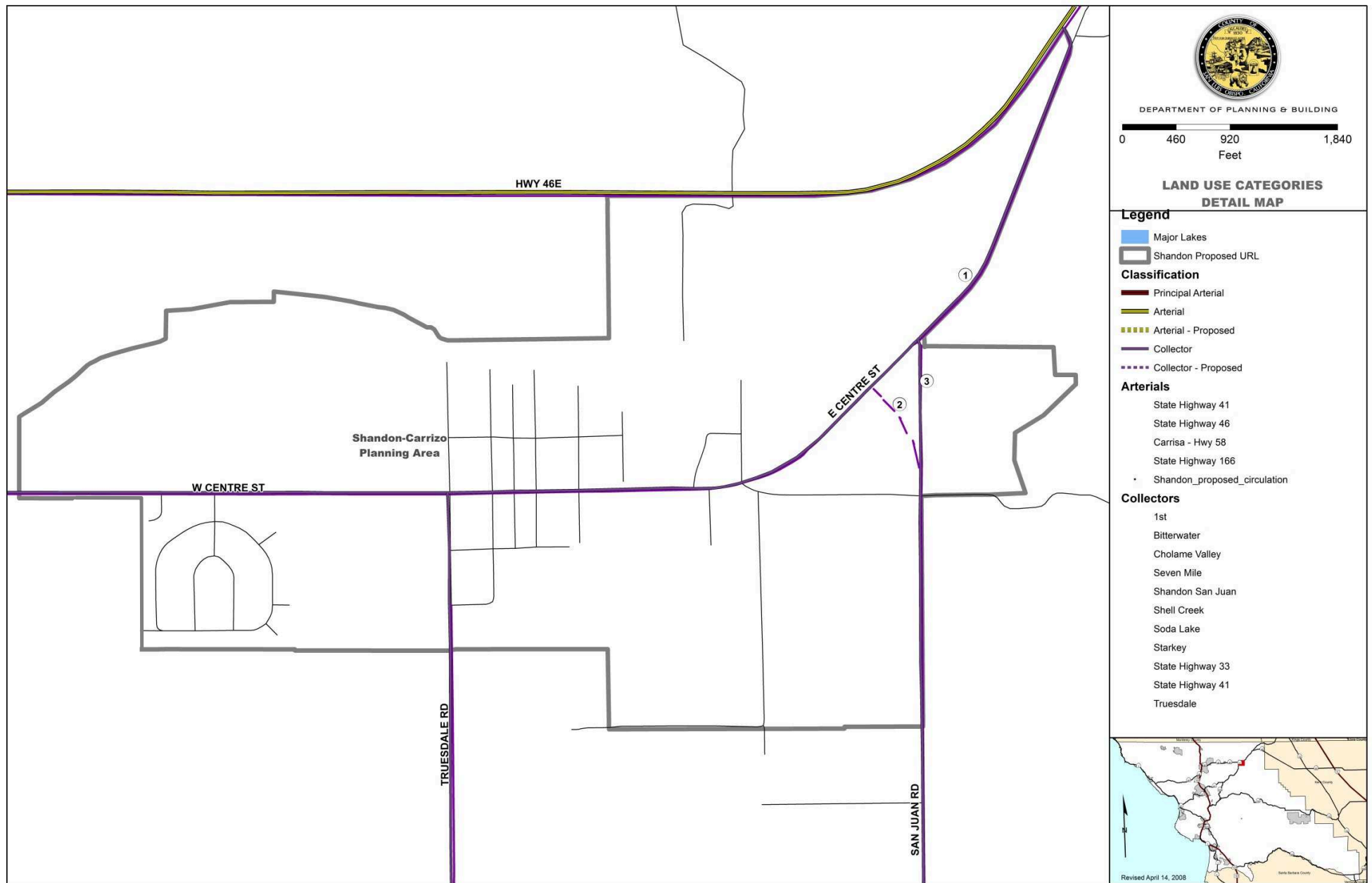
**A copy of the Shandon Community Plan is on file with the Clerk of the Board of Supervisors.**

**The public can access a copy of the Shandon Community Plan at the Clerk's office or through the Department of Planning and Building website:  
[www.sloplanning.org](http://www.sloplanning.org)**

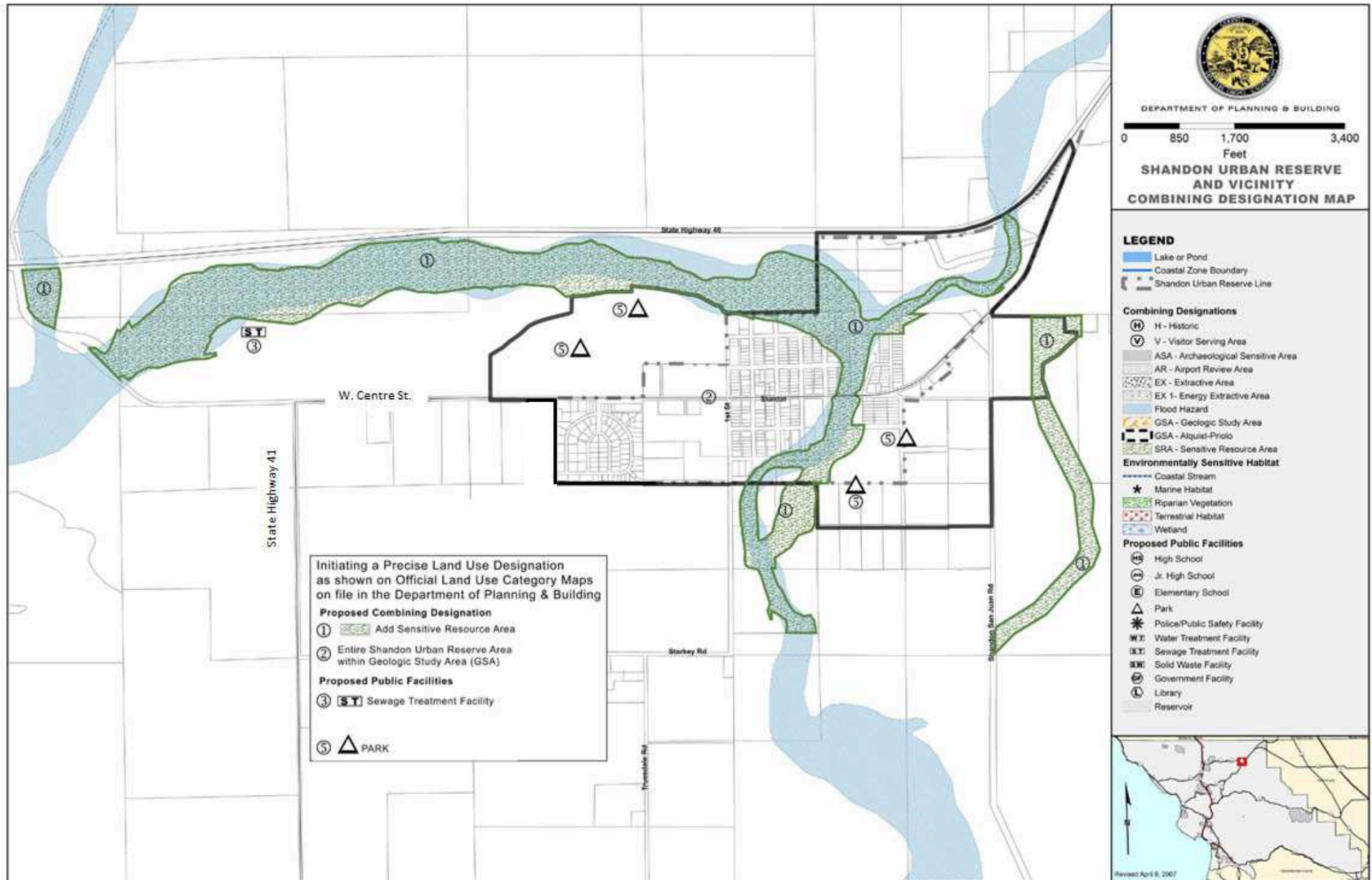
**Members of the Board of Supervisors – This Plan was provided to the Board of Supervisors under separate cover.**

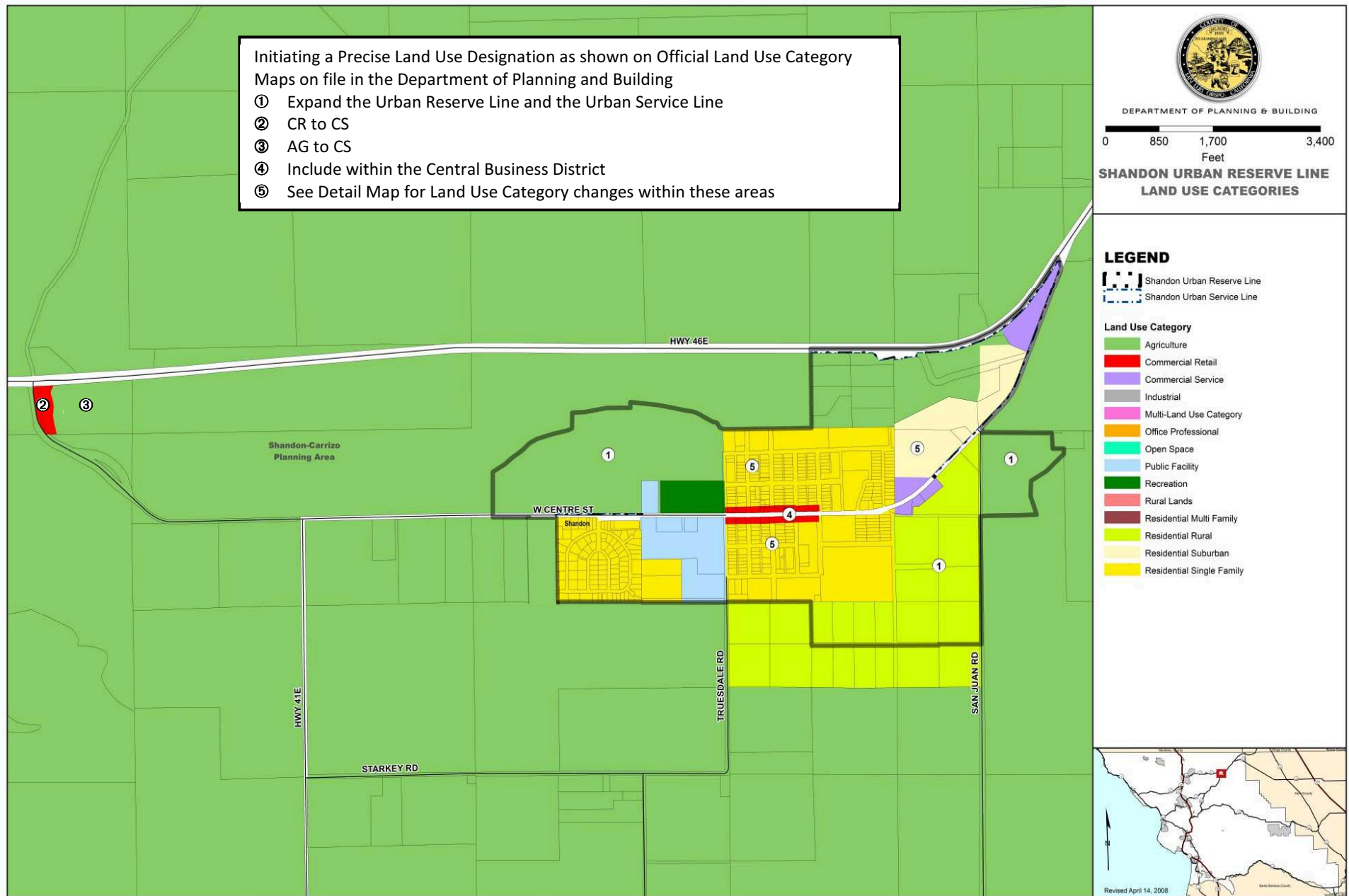
**Please bring your copy of the plan to the hearing.**

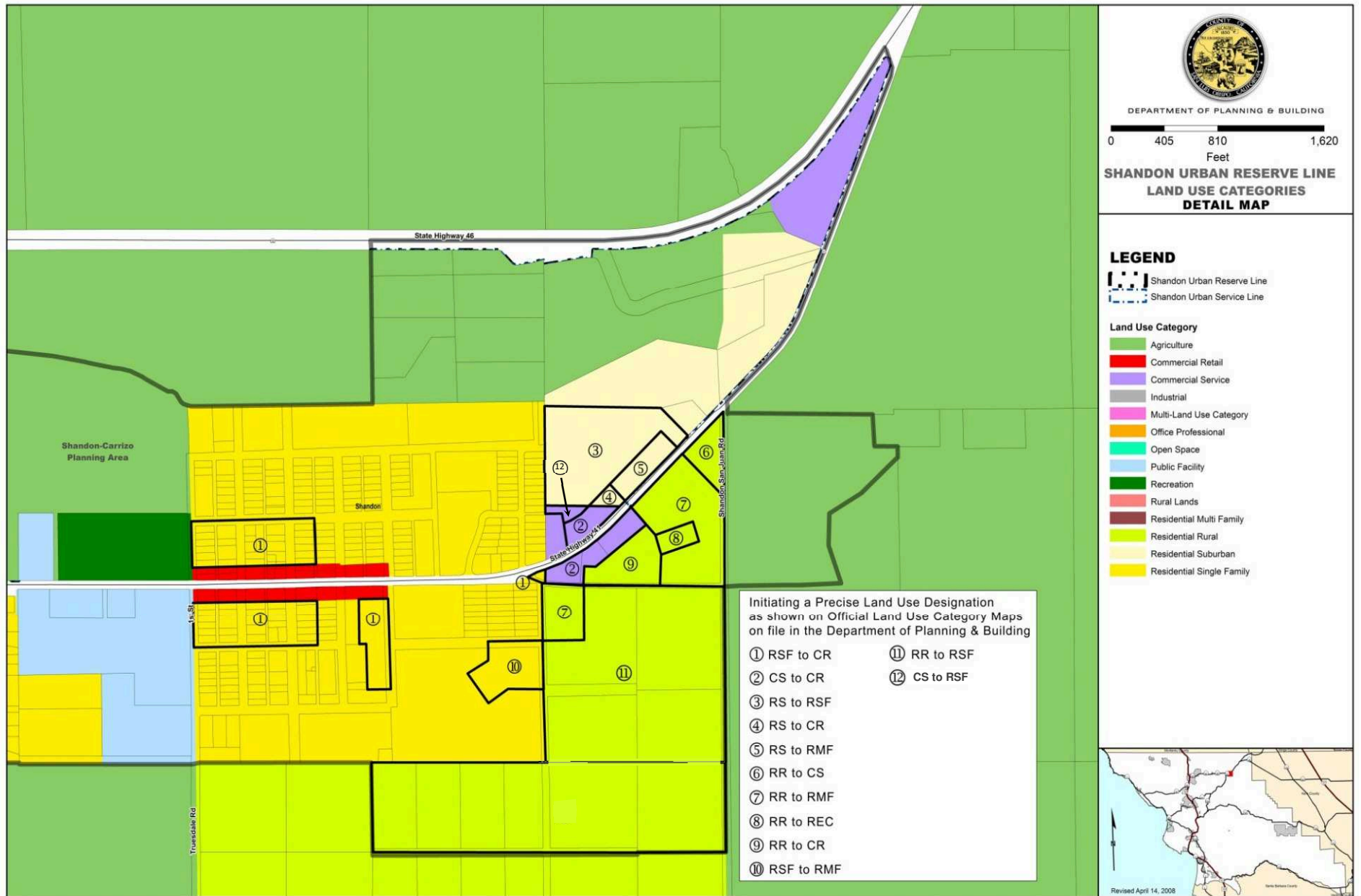












## EXHIBIT LRP2003-00004 and G030013M: C

### **Amend Chapter 1 of the Shandon-Carrizo Area Plan of the county General Plan, as follows:**

This report describes county land use policies for the Shandon-Carrizo planning area. This part of the Land Use Element (LUE) allocates land use throughout the planning area by land use categories. The land use categories determine the varieties of land use that may be established on a parcel of land, as well as defining their allowable density and intensity. A complete list of allowable uses is in Article 2 of the Land Use Ordinance. Policies, programs, text, maps, and other information pertaining to the Shandon Urban Area are contained in the Shandon Community Plan. The 2012 Shandon Community Plan and any future amendments to such plan, is hereby incorporated into the Shandon-Carrizo Area Plan by reference as though it were fully set forth here.

Specific development "standards" are included in Article 9 of the Land Use Ordinance (Chapter 22.110 - Shandon/Carrizo Planning Area) to address special problems and conditions in individual communities. These include standards for public services, circulation, and land use and provide criteria for detailed evaluation of development projects.

The text of this report is for general planning guidance only and is not to be used as a basis for approval or disapproval of development or land division proposals. The policies, programs, text and maps contained in the Shandon Community Plan shall be used in conjunction with Article 9 of the Land Use Ordinance as the basis for approval or disapproval of development or land division proposals within the Shandon Urban Reserve Line. For all projects, careful Careful reading of the standards in the Land Use Ordinance will assist creating projects that are consistent with adopted policies and regulations

Proposed "programs" are also noted at the end of the chapters on public services (Chapter 3), circulation (Chapter 4), land use (Chapter 5), and combining designations (Chapter 6). Programs are non-mandatory actions recommended to be initiated by the communities through the county or other specified public agency, to work toward correcting local problems or conditions. They are also intended to support community objectives in implementing the general plan. Because many recommended programs involve public expenditures, their initiation will be dependent upon the availability of funding.

In addition to the land use categories and programs, one or more combining designations have been applied to specific locations within the planning area. Combining designations identify potentially hazardous areas and locations of notable resources. The designations are shown on the maps following at the end of this report and are for illustrative purposes only. The official maps are on file at the County Department of Planning and Building.

The Shandon-Carrizo planning area occupies the large rural expanse known as the "East County." This area consists of undulating terrain devoted almost exclusively to the agricultural uses of dry-farming and rangeland.

The total area is sparsely populated; however, it does contain the urban area of Shandon and the villages of Whitley Gardens and California Valley. The planning area covers a total of 842,411 acres, or 1,316 square miles. It includes several distinct physiographic regions, such as Cholame and the Cholame Hills; the Temblor Range, where the San Andreas Fault is located; the La Panza Range; the Carrizo Plain, including Soda Lake; and the Cuyama Valley.



## **Shandon Urban Area**

The Shandon urban area is located in the northern portion of the planning area, about ~~18~~ 20 miles east of Paso Robles. The urban reserve line (URL) of Shandon encompasses ~~about 615~~ 555 acres. It is primarily a rural farming community, ~~completely~~ surrounded by various agricultural lands. Since the original settlement in 1890, Shandon has grown to be a focal point for surrounding farms and a social service center for people in the area. The planning for the original townsite of Shandon was done by the West Coast Land Company after its successful operation in Templeton. However, Shandon has remained a small community ~~with predominantly, and agriculture~~ agricultural and service businesses for local people ~~prevailed~~. Prior to 1956, state Highway 46 passed through Shandon, carrying traffic from Paso Robles to Bakersfield and Fresno. In that year, the highway was rerouted to bypass the town. Highway 41 still passes through Shandon, but because of its rural route status, the town gets ~~less visitor~~ very little tourist traffic, ~~as most travelers use Highway 46, off of the main highway.~~ Policies and programs for the Shandon Urban Area are found in the Shandon Community Plan.

## **California Valley Village Area**

California Valley is an undeveloped village settlement encompassing 24,083 acres located on the Carrizo Plain, about 60 miles east of San Luis Obispo. It came into being in 1960, when part of the El Chicote Ranch was subdivided into more than 7,200 2.5-acre "ranchos" and sold through nationwide advertising as "the geographic center of this spectacular California growth area with unbounded future." This proposed new town has never developed and each year many of the subdivided parcels are sold at tax auctions.

## **Whitley Gardens Village Area**

Whitley Gardens is a suburban residential settlement located on a relatively flat plain alongside Highway 46 adjacent to the Estrella River. Situated midway between Shandon and Paso Robles, it occupies about 606 acres. It was originally created in 1927 for small garden farm-type operations. It is divided into parcels of one to 10 acres with scattered residential development. Many residents have farm animals and carry on a variety of farming operations. Water is supplied by the Green River Mutual Water Company, and sewage disposal is by means of septic tanks and leach line disposal fields. A cafe and the Phillips Elementary School of the Paso Robles Unified School District are located at the southerly end of the village.

## **Amend Chapter 2 of the Shandon-Carrizo Area Plan of the county General Plan, as follows:**

The Shandon-Carrizo planning area will likely remain a viable agricultural area because of existing land uses and the prevailing agricultural dedication of the population. The area should experience limited population growth, related only to future increased demands for agricultural labor. The exception to this may be growth in California Valley, which could become a substantial community if services (primarily water) were available and market demand indicated. Only a few dwellings have developed to date, 80% of which are second homes not permanently occupied.

Factors that contribute to the viability of the planning area include: (1) continuing agricultural uses; (2) the rural agricultural environment and large agricultural acreages that discourage suburban residential encroachment; (3) remoteness from populated areas; and (4) surface mining in the Temblor Range, as well as limited oil exploration.

Table A contains population projections for the planning area, ~~excerpted from countywide projections found in Framework for Planning. For comparison,~~ Table B contains the projected absorption capacity of the Area Plan, ~~except for the Shandon Urban Area,~~ which is the potential ~~planning area~~ population resulting from unconstrained growth and fully-occupied development to the maximum permitted in each land use category. (Framework for Planning offers a more detailed discussion of absorption capacity.

TABLE A POPULATION PROJECTIONS SHANDON-CARRIZO PLANNING AREA		
Year	Population of Planning Area	Percentage of Total County Population
1979 <del>2010</del>	1,432 <del>2,735</del>	0.99 <del>1.01</del>
1980 <del>2015</del>	1,467 <del>2,846</del>	0.98 <del>1.03</del>
1985 <del>2020</del>	1,587 <del>3,045</del>	0.94 <del>1.06</del>
1990 <del>2025</del>	1,722 <del>3,722</del>	0.93 <del>1.25</del>
1995 <del>2030</del>	1,856 <del>4,402</del>	0.92 <del>1.42</del>
2000 <del>2035</del>	1,996 <del>5,237</del>	0.91 <del>1.90</del>

### Shandon Urban Area

Information about the population of the Shandon Urban Area can be found in the Shandon Community Plan. Because of the rural nature of Shandon, there is little record of population trends in the community. However, over the last 18 years the population has remained nearly stationary until recently. Because of its small size, growth projections are less reliable than for the county. The existing population is approximately 343 and is expected to increase to more than 450 by the year 2000. The area is expected to retain an overall stable economy that is strictly related to the success of surrounding agricultural uses.

~~There has been recent specialty crop experimentation in the Shandon area. If these experiments are successful and yield profitable crops, a new trend could be established in agricultural employment in the area. Certain specialty crops require large work forces which may affect Shandon's growth.~~

### California Valley Village

This new community has not developed in its 18 years of existence because of its many problems including remoteness, poor access, inadequate roads, poor soils (alkaline), lack of water and poor sewage drainage. Utilities needed to support 7,250 rural residential parcels are generally lacking.

## Whitley Gardens

Whitley Gardens has a current population of less than 200, and potential growth to several times that population. The community is an outlying suburban area valued by residents for its rural setting and surrounding farmlands.

<b>TABLE B</b> <b>ABSORPTION CAPACITY<sup>1</sup></b> <b>SHANDON-CARRIZO PLANNING AREA<sup>2</sup></b>					
Land Use	Rural <sup>3,2</sup>	Shandon	Whitley	California Gardens	Total Valley
Categories					
Agriculture	21,606	3	-	150	21,759
Rural Lands	5,231	-	-	-	5,231
Residential Rural	-	64	12	223	<del>235</del> 299
Residential Suburban <sup>4,3</sup>	-	425	1,060	41,061	<del>42,121</del> 42,246
Residential Single Family <sup>3</sup>	-	2,053	-	-	2,053
ABSORPTION CAPACITY	26,837	<del>2,245</del>	1,072	41,434	<del>69,343</del> 71,588
Existing Population	792	<del>343</del>	176	156	<del>1,440</del> 1,467
POTENTIAL ADDED POPULATION	26,045	<del>1,902</del>	896	41,278	<del>67,903</del> 70,121

1. Potential population at build-out by land use category.
2. Excludes the Shandon Urban Area. For population and buildout figures within that area, refer to the Shandon Community Plan.
3. ~~2.~~ Absorption capacity for rural area based on density of 2.90 persons/household in the northern half of the planning area, and 2.79 persons/household in the southern half. [Amended 1981, Ord. 2089]
4. ~~3.~~ Based on net acreage, excludes roads.

## Amend Chapter 3 of the Shandon/Carrizo Area Plan of the county General Plan, as follows:

Appropriate levels of service for urban, village and rural areas are discussed in Framework for Planning. The following is a discussion of service concerns that directly affect the Shandon-Carrizo planning area.

### A. SPECIAL DISTRICTS

There are five special districts within the planning area. The Cuyama Resource Conservation District provides soil and water conservation, flood control, wildlife and recreational development and improvements. In 1968, County Service Area (CSA) No. 16 was formed in Shandon to provide a single

governmental entity able to provide water, sewer, lighting and fire service. A public cemetery district also serves Shandon. [Further information about services in the Shandon Urban Area can be found in the Shandon Community Plan.](#)

In 1960, the California Valley Community Service District was formed by an election. Since its formation, the district's main concern has been the maintenance of roads to private residences in the area. The redrock roads are maintained by district equipment and employees. A 40-acre gravel pit is used for resurfacing purposes. In addition to road maintenance, the district also provides fire protection service by a contract with the county. The district furnishes the fire crew's quarters (seasonal) and partially pays the salary of the one full-time fireman. A garbage and refuse disposal site is also maintained by the district. Water service is provided by the system constructed by the developers and now operated by the district. Individual septic tanks provide sanitation service.

In 1969, County Service Area No. 17 was formed to finance installation of electrical lines in California Valley through contract with the Pacific Gas and Electric Company. In 1970, the electorate approved a bond issue to finance the lines, and power was furnished in 1972. Operation and maintenance of the system is by PG&E. The district will dissolve in 1991, when the indebtedness is redeemed.

## **B. UTILITY SERVICES**

### **Water Supply**

An adequate water supply is essential to continuing agricultural development in the Shandon-Carrizo planning area. Most of the area uses little water in dry-farm and grazing operations, but the bottomland acreages suitable for irrigated crops are limited in production by available water supplies. Rainfall alone could be insufficient to sustain types or productivity of crops qualifying as croplands or vineyard and orchards. Consequently, the estimated safe annual yield of the underlying basins might be insufficient to irrigate all lands of otherwise suitable topography and soil.

The current pattern of water supply in the planning area is essentially one of localized groundwater use. Water needs are being met by pumping groundwater in the immediate vicinity of the point of use; there is no extensive transmission of water from point of source to point of use. Most water usage is presently obtained from the Paso Robles groundwater basin from individual wells. Barring unforeseen circumstances, continuation of the present economic and agricultural conditions within the planning area is likely.

~~Water supplies are provided Shandon by CSA No. 16. A community water system was completed in August 1976. Improvements included storage facilities, pump stations, transmission lines, chlorination and fire hydrants. All water is obtained from wells in and around the community. Future capacity is estimated to be sufficient to meet growth requirements of the community. Comprehensive water resource information is provided in the San Luis Obispo County Master Water and Sewerage Plan (1972) and in the Master Water and Sewerage Plan for County Service Area No. 16 (1971).~~

Water for Whitley Gardens is provided by the Green River Mutual Water Company. The distribution system was installed in the 1920s and is undersized for existing development. Storage capacity may not be adequate to meet fire flow requirements for significant new development, though flow rates from new or existing wells may be sufficient.



California Valley may experience water shortages that will inhibit growth if the community develops. Although comprehensive information on water resources is available, future water studies in this area are necessary. Full development of California Valley under this Land Use Element could possibly house as many as 20,000 people on already existing lots. The area would need approximately 3,300 acre-feet of water annually to support such a population. The entire Carrizo Plains area is currently in an overdraft situation. The water quality is poor, sometimes exceeding the U.S. Public Health Service recommended limits. Some groundwater obtained in the area is unsuitable for either agricultural or domestic uses. Because of the poor quality and limited water quantity, the only solution for future development would be the importation of supplemental water. However, present estimates of the cost of water, for example, from the state Water Project would most likely be prohibitive. As a result, the future development of California Valley is anticipated to be limited by water availability.

### **Sewage Disposal**

The entire planning area is served by septic tanks and other individual disposal systems. Soil conditions and large parcel sizes should permit their continued safe use, except that in Shandon, a community sewer system will be needed to accommodate future growth. ~~Shandon presently relies entirely upon individual septic tanks and leach line systems for sewage treatment and disposal. The community suffers from frequent septic tank failures, probably due to impervious soil conditions, making community sewers a necessity. The Master Water and Sewer Plan for County Service Area 16 recommends alternative methods for financing the facility. Though grants or loans may not be forthcoming, the project should not be abandoned.~~

### **Solid Waste Disposal**

Successful refuse disposal practices include direct haul by residents and private garbage companies to disposal sites. Residents in ~~Shandon~~, California Valley and Whitley Gardens have garbage pickup available. A small disposal site is operated by the California Valley Community Services District. ~~Shandon and~~ Whitley Gardens residents use the Paso Robles landfill in the El Pomar-Estrella planning area near Highway 46 and Whitley Gardens.

### **Drainage**

~~Shandon is vulnerable to flooding from San Juan Creek and the Estrella River. Both are designated Flood Hazard areas.~~

## **C. EMERGENCY AND SOCIAL SERVICES**

### **Police Service**

The entire planning area is serviced by the county sheriff. Response times are generally poor. The California Highway Patrol also patrols most of the major rural roads.

### **Fire Protection**

Fire protection for the entire planning area is provided by the California Division of Forestry (CDF) with fire stations in California Valley-Simmler, Shandon, La Panza and Cuyama (Santa Barbara County). As is usual with fire protection stations, there are reciprocal firefighting arrangements with Cuyama, Kern County (McKittrick) and Monterey County (Parkfield). Rural fire protection is judged to be generally adequate for the future anticipated growth.

~~Year-round fire protection is provided Shandon by county personnel through CSA No. 16. CDF provides additional staffing during the fire season. Additional fire protection through CSA No. 16 is recommended.~~

### **Emergency Medical Service**

Ambulance service is provided by three private ambulance services. The northern portion of the planning area is serviced from Paso Robles, the central portion is served from Atascadero and the southern portion from Arroyo Grande. Response time is poor, particularly in the southern planning area where roads are poor.

### **Schools**

The planning area is served by four unified school districts: Paso Robles Unified School District; Shandon Unified School District; Atascadero Unified School District; and the New Cuyama School District. Bus service is provided to most areas. There is an elementary school located two miles east of Simmler and one in the Whitley Gardens village area. An elementary school and high school are located in Shandon. Students in the Carrizo area attend Atascadero schools, with many of them rooming in Atascadero. In the Cuyama area, students attend elementary or high school in New Cuyama (Santa Barbara County). There is also a junior college in Taft (Kern County), about 40 miles east of California Valley. The schools are presently adequate to serve existing rural agricultural school populations. Future development in Shandon and tThe development of existing undeveloped rural subdivisions could lead to overburdened school facilities and require expansion. No future schools are anticipated in the planning area.

### **Library**

An existing county library branch is located in Shandon and another branch is located in the California Valley Community Services District building adjacent to the CDF firehouse. ~~A library is planned for Shandon and is presently in the county's long-range capital improvement program. No definite plans exist for location or construction; though it would likely be located with other existing public facilities.~~

### **Human Services**

All human services (mental health, welfare, etc.) are provided outside the planning area. ~~With the projected low growth rate, these services are not expected locally.~~

## **D. PLANNING AREA SERVICE PROGRAMS**

"Programs" are specific non-mandatory actions or policies recommended by the LUE to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following public service programs apply to the Shandon - Carrizo planning area, and are grouped under general headings that identify the service they each address.

### **Fire Protection**

- ~~1. **Volunteer Fire Department – Shandon.** The county fire department should form a volunteer fire department in Shandon under the auspices of County Service Area #16.~~

### **Sewage Disposal**

- ~~2. **Community Sewage Disposal – Shandon.** Future Shandon sewage treatment facilities should be located as recommended in the Master Water and Sewerage Plan.~~

### **Water Supply**

- ~~1. 3.~~ **Whitley Gardens Water System.** The Green River Mutual Water Company should upgrade the Whitley Gardens water storage and distribution system

### **Amend Chapter 4 of the Shandon/Carrizo Area Plan of the county General Plan, as follows:**

The Shandon-Carrizo circulation system is planned to accommodate anticipated traffic along existing roads and new routes as future development warrants their construction. [Further information about circulation for the Shandon Urban Area can be found in the Shandon Community Plan.](#)

#### **A. ROADS**

The LUE maps show functional classifications of existing and proposed major roads. Private improvements will be required with proposed land divisions by the Real Property Division Ordinance and planning area standards. No new major roads are proposed in the planning area. The following is a list of road proposals. The order does not imply any priority.

#### **Principal Arterials**

Widen Highway 46 to four lanes from the intersection of Highways 41 and 46 near Cholame to Highway 101, and improve the road sections of Highways 41 and 46 from Shandon to Kern County as necessary.

#### **Arterials**

Construct minor road improvements on Highway 58 including shoulders and culverts as necessary.

## **Collectors**

Reconstruct Soda Lake Road with an adequate base and repave to rural collector standards. Replace existing bridge Number 1 on Palo Prieto Road near Cholame.

## **Local Streets**

Existing local streets in developed areas are to have minor improvements and maintenance.

## **B. OTHER TRANSPORTATION MODES**

### **Airports**

Many large ranches have private airstrips. California Valley Airport is privately operated, with a II-C (general aviation) functional classification. The airport has a 2500 foot graded runway, is used by local residents, and presently there is little traffic. If future use increases, there is a potential hazard if lots south of the runway or the commercial area to the north were to develop improperly.

## **C. PLANNING AREA CIRCULATION PROGRAMS**

"Programs" are specific non-mandatory actions or policies recommended by the LUE to achieve community or areawide objectives identified in this area plan. The implementation of each program is the responsibility of the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following circulation programs apply to the Shandon - Carrizo planning area, and are grouped under general headings to indicate where they apply.

**California Valley.** The following program addresses circulation concerns in California Valley.

1. **Airport Land Use Plan.** The county Airport Land Use Commission should prepare an airport land use plan for the California Valley Airport.

**Whitley Gardens.** The following programs address circulation issues in the Whitley Gardens village area.

2. **Highway 46 Access.** The County Public Works Department should work with property owners and Caltrans to negotiate an agreement to remove undedicated potential access to Highway 46 from River Road, Grace Drive and Artesia Drive

## **Amend Chapter 5 of the Shandon/Carrizo Area Plan of the county General Plan, as follows:**

This chapter addresses land use issues affecting the Shandon-Carrizo planning area. The chapter is divided into three sections: the rural portion of the text discusses areas outside urban and village reserve lines; the "urban" portion discusses the town of Shandon; and the "village" portion discusses Whitley Gardens and California Valley.

The land use maps of the LUE separate the planning area into land use categories, each of which defines regulations for land uses, densities and intensity of use. Programs at the end of this chapter address actions to be initiated by the county or other public agencies. Article 9 of the Land Use Ordinance (Chapter 22.110 - Shandon/Carrizo Planning Area) contains land use standards directly related to these categories to assist in guiding planning area development. The standards define actions required for private developments to be consistent with the general plan. Table C summarizes acreages for each land use category in the planning area.

### **A. RURAL AREAS**

#### **Open Space**

Hubbard Hill-Freeborn Mountain is designated in the Open Space land use category to emphasize protection of the area in its natural state, and use for passive recreation activities only. No specific plans for use of the area have been formulated except potential acquisition of some of the area by the state. The park would be on BLM property and areas west of it, and would be a natural park with no activities planned other than limited camping, hiking and riding. This potential recreational area has a great diversity of interest. San Juan Creek, a permanent stream, affords recreational possibilities. The mountain slopes are excellent for hiking and riding. Wildlife is abundant, and geology and natural vegetation are of special interest. A spectacular view of the Carrizo Plain is provided from these mountains. The Recreation Analysis of Bureau of Land Management Property in San Luis Obispo County addresses issues involved in acquiring the land, and outlines a work program to establish the recreational area.

#### **Rural Lands**

Rural Lands in the Shandon-Carrizo planning area consist almost solely of rugged chaparral-covered terrain or desert. These lands are generally in larger ownership holdings and represent lands used for grazing and watershed uses. Much of the land is owned by the federal government through the Bureau of Land Management (BLM). There are several oil well operations in areas near the Kern County line and near larger BLM holdings in the southwest portion of the planning area. Also in the area is a microwave station operated by the U.S. Navy. Many areas contain unique wildlife species and plants, such as the California condor and the San Joaquin kit fox, both on the rare and endangered species list.

#### **Agriculture**

Historically, agriculture has been and still is the primary use of land in the planning area. Agricultural practices of varying intensities involve approximately 90% of the planning area. The Estrella River Valley, San Juan Creek Valley and the area around Shandon Valley are generally used most intensively because of better soils and water availability. Irrigated production has increased during the last 10 years,

particularly in vineyards and alfalfa. Dry farming and grazing operations encompass the rest of the agricultural uses. Much of the planning area is within the agricultural preserve program, with parcel sizes ranging from 40 to 640 acres depending on production capability.

Continued agricultural production is encouraged adjacent to the Shandon Urban Area. The soil capability of this area is prime farmland if irrigated, and most parcel sizes are sufficiently large to maintain a viable production.

<b>TABLE C LAND USE ACREAGE SHANDON-CARRIZO PLANNING AREA<sup>1</sup></b>					
Land Use Categories	Rural	Shandon Area	Whitley	California Gardens	Total Valley
Agriculture	637,660	<del>69</del>	-	4,835	<del>642,564</del> <u>642,495</u>
Rural Lands	166,898	-	-	-	166,898
Recreation	-	-	-	-	-
Open space	12,603	<del>42</del>	-	-	<del>12,645</del> <u>12,603</u>
Residential Rural	-	<del>174</del>	42	820	<del>1,033</del> <u>862</u>
Residential Suburban	-	<del>43</del>	560	18,413	<del>18,016</del> <u>17,973</u>
Residential Single-Family	-	<del>205</del>	-	-	<del>205</del>
Residential Multi-Family	-	-	-	-	-
Office and Professional	-	-	-	-	-
Commercial Retail	4	<del>40</del>	-	14	<del>18,28</del> <u>18</u>
Commercial Service	2	<del>43</del>	-	-	<del>2,45</del> <u>2</u>
Industrial	-	-	-	-	-
Public Facilities	-	<del>32</del>	4	1	<del>5,37</del> <u>5</u>
TOTAL	817,167	<del>555</del>	606	24,083	<del>842,411</del> <u>841,844</u>

1. Excludes the Shandon Urban Area. For land use acreage within that area, refer to the Shandon Community Plan.

Further division of land into parcels less than 40 acres would likely preclude effective farming operations and negatively affect neighboring farms. Their retention in agriculture will prevent premature conversion of adjacent lands due to incompatibility problems, and keep them available for production.

## Recreation

No recreational areas are presently located in the Shandon-Carrizo rural area. The larger parcels common in this planning area are expected to satisfy local resident needs on an individual basis.

## Commercial Retail

~~Two small commercial areas are outside of urban or village areas. The first is at McMillan Road and Highway 46 near Shandon and contains a service station. The second commercial~~ small commercial retail ~~area is located in Cholame, located northeast of Shandon near the junction of Highways 41 and 46 and the San Andreas Fault. Cholame, meaning "beautiful" in the Salinean tongue, is said to have been so called because of the beauty of the California poppies and purple lupines covering the surrounding hills each spring. Cholame derived its name from the nearby Rancho Cholame, one of the last great undivided ranchos in California. Cholame contains a 130~~02~~-year-old post office, the old Cholame-Shandon school, a service station, and a restaurant, and a~~ large sculptured monument to actor James Dean, who lost his life there in a highway accident, is the most recent attraction.

~~This~~ Both ~~commercial areas serves~~ the local rural population and the traveling public; however, only limited expansion of ~~the either~~ area is anticipated. Commercial uses should be confined to ~~the~~ existing areas. The Cholame commercial area on the west side of Highway 46 is approximately 200 feet wide and 500 feet long, in the northwest quarter of the southwest quarter of Section 30, Township 25 South, Range 16 East.

## Commercial Service

The small commercial area located midway between Shandon and Cholame includes a service station and garage, towing facilities and a small wrecking yard. Commercial uses should not be allowed to expand at this remote highway location.

There are about 26 acres in the Commercial Service category located at the intersection of Highway 46 with West Centre Street. This area is intended for visitor-serving uses that could include a service station, lodging and visitor-related retail sales. Site design should include smaller, low-profile buildings with a village character and setting and/or agricultural style that blends with the surrounding area. Landscape materials should be selected to significantly break-up the views from Highway 46 and West Centre Street. This site will use an on-site well and septic system; therefore, the floor area ratio will likely be less than 0.20.

## B. THE SHANDON URBAN AREA

### All Land Use Categories ~~Agriculture~~

Information regarding land use in the Shandon Urban Area is found in the Shandon Community Plan. ~~The area between Highway 46 and Estrella and Cholame creeks on the north side of Shandon is included within the urban reserve line. Most of the area is under a land conservation contract which will preclude development for a number of years, but the land is divided into five acre parcels that could be developed individually upon termination of the contract.~~

## **Recreation**

Recreation uses in Shandon are primarily resident-oriented. Existing facilities include a small community park with swimming pool and a community meeting hall, tennis courts and day-use facilities. The Shandon elementary and high schools provide additional sports facilities. Existing facilities are adequate for the community and no new recreational areas are planned.

## **Residential Rural**

An area designated Residential Rural is located in the southeastern portion of the community. Existing parcels are in the five to 20 acre range. In order to buffer adjacent commercial agricultural lands outside the urban reserve line, no additional parcels smaller than 10 acres should be created.

## **Residential Suburban**

The northwestern portion of Shandon is designated Residential Suburban. The area consists of varied parcel sizes of irregular configuration between Highway 41 and Cholame Creek, and will not support long-range agricultural use. The Residential Suburban category will provide opportunities for additional large-lot residential development.

## **Residential Single Family**

Shandon is a community of mainly single family dwellings located in two areas: (1) east of the high school in the original tract of the Shandon Townsite; and (2) to the west of the high school in what is known as Shandon Heights (Tract No. 47). Lot sizes range from approximately 7,000 square feet to 12,000 square feet. The residential areas are envisioned to remain basically the same, with infill building upon existing lots and the creation of new lots within the existing service area boundary.

## **Commercial Retail**

Commercial establishments in Shandon are along Center Street (Highway 41). Existing uses mainly provide local convenience goods and services. Major items must be purchased in Paso Robles, the closest urban area to Shandon.

It is envisioned that the central commercial area will remain relatively small. New retail commercial uses should locate in the vicinity of existing commercial uses. Shade trees should be planted along Center Street to eventually reduce radiant heat from paved surfaces.

## **Commercial Service**

Two areas along Highway 41 in the northeastern part of Shandon are designated Commercial Service. The location on the east side of San Juan Creek includes a garage and service station. Future development should emphasize agricultural supplies and equipment to support area farms and ranches. The small Commercial Service area at the intersection of Highways 41 and 46 would most appropriately be developed with limited highway commercial uses. (Rev. 2-11-81)



## **C. VILLAGE AREAS**

### **California Valley**

#### **Agriculture**

Several fringe areas in the California Valley village reserve line have been designated Agriculture to include large lots bordered by units of the California Valley subdivision. The largest of these areas is in the northwestern portion, surrounding the commercial area, firestation and airstrip.

#### **Commercial Retail**

Existing commercial facilities are limited to a motel, cafe and service station on a single site on Soda Lake Road in the northwestern part of the village area. To provide opportunity for developing essential commercial facilities for local residents, an additional Commercial Retail area is designated at the intersection of Belmont Avenue and Soda Lake-San Diego Creek Road in the eastern part of California Valley. There is ample opportunity for future re-evaluation of commercial and other community land uses because of the large size of California Valley and the limited development to date.

#### **Public Facilities**

The Public Facilities designation applies to a single area along Soda Lake Road one-half mile south of the existing commercial area. Facilities include the CDF firestation and the Community Services District building that also houses a county branch library.

#### **Residential Rural**

The Residential Rural category applies to 43 parcels of approximately 20 acres each at the southwest corner of the village. This category also includes scattered parcels originally intended for community facilities.

#### **Residential Suburban**

The subdivided portion of California Valley includes 7,256 lots of 2.5 acres or slightly larger, covering a total area of 18,400 acres. Remoteness, questionable prospects of developing an economic base other than as a retirement community, lack of community facilities, poor access and shortages of potable water have restrained development. Those problems must be resolved before additional growth can be anticipated. The community, however, appeals to those who wish to live in a remote rural setting and dry climate.

### **Whitley Gardens**

#### **Residential Rural**

The Residential Rural category is applied to the top of the plateau overlooking Estrella Creek, on the west side of Whitley Gardens Drive north of Highway 46. This area contains a few existing 2.5 acre lots, but unsubdivided portions of this strip should be held to lower densities. The steepest slopes between the plateau and creek form the boundary between the village reserve area and adjacent agricultural lands.

## **Residential Suburban**

Most of Whitley Gardens is divided into one to 10 acre lots, which characterized the village as a suburban residential area. Growth in the area will likely be slow. The area should be encouraged to continue in agriculture in appropriately suited locations. Land divisions to full suburban densities should be discouraged because there is an inadequate water supply system. Current development reflects its distant location, and there remains an adequate area for additional development at the proposed density.

## **D. PLANNING AREA LAND USE PROGRAMS**

"Programs" are specific non-mandatory actions or policies recommended by the LUE to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following programs for the Shandon - Carrizo planning area are grouped under the names of communities or rural areas, and then under land use categories or other location headings to identify specific areas where they each apply.

### **RURAL AREA PROGRAMS**

The following programs apply to the portions of the Shandon - Carrizo planning area outside of urban and village reserve lines, in the land use categories listed.

#### **Areawide.**

1. **Agricultural Preserves.** The county should continue to encourage owners of eligible lands to participate in the agricultural preserve program.

#### **Recreation**

2. **State Acquisition.** The county should work with affected state agencies and property owners toward state acquisition of the Hubbard Hill-Freeborn Mountain to provide recreational improvements for camping, hiking and riding, together with an adequate maintenance and security program.

#### **Rural Lands**

3. **Public Lands.** Lands in BLM ownership should be retained and administered by the federal government except where property trades are mutually beneficial for consolidating both public and private land holdings.

## VILLAGE AREA PROGRAM

The following program applies to the California Valley village area, Residential Suburban land use category.

### Residential Suburban

1. **Review of development patterns.** The county should review development patterns in the community at the time the Shandon-Carrizo Area Plan is updated to determine whether planning area standard Nos. 2, 3 and 4 for the Residential Suburban land use category should be repealed. If the community is still largely undeveloped, then the standards should remain.

## Amend Chapter 6 of the Shandon/Carizzo Area Plan of the county General Plan, as follows:

### A. COMBINING DESIGNATIONS

Combining designations are special overlay categories applied in areas of the county with hazardous conditions or special resources, where more detailed project review is needed to avoid adverse environmental impacts or effects of hazardous conditions on proposed projects. The following areas are subject to special combining designations. In some cases, specific standards have been adopted for an area where a combining designation is applied. These standards are found in Article 9 of the Land Use Ordinance (Chapter 22.110 - Shandon/Carrizo Planning Area) and are applicable to development proposals in addition to the standards of Chapter 22.14 of the Land Use Ordinance.

**Portions of the Temblor Range, Red Hills, Hubbard Hill-Freeborn Mountain and Caliente Mountain (GSA)** - This designation includes lands with high landslide risk potential, as identified in the Seismic Safety Element.

**Estrella River, San Juan Creek, Cammatti Creek, Cholame Creek and Cuyama River (FH)** - As designated on the plan map, they are flood plains.

**San Andreas Fault Zone (GS) (SRA)** - Identified as a Special Studies Zone by the state Geologist under the provisions of the Public Resources Code, the San Andreas fault zone traverses the east county and is one of the most seismically active faults in North America. The fault zone is also important from a botanical and geological standpoint. The area near Poso Ortega Lake has particular interest, with a profusion of spring wildflowers and other plant species as well as several narrow endemics. Because of the scarcity of wetlands in this arid part of the county, the sag ponds along the fault have special ecological significance. The geological features along the fault have national significance due to the extraordinary preservation of the fault trace in the arid climate. Much of the fault zone already has been given agricultural preserve status. Voluntary measures should be taken to protect geological features and to prevent destruction of natural vegetation along the fault zone. The dry beds of the intermittent sag ponds have been cultivated in the past, and some of these small depressions should be set aside as natural areas.

**Hubbard Hill Freeborn Mountain (SRA)** - These ridges along the westerly border of the Carrizo Plains, include 7,000 acres under Bureau of Land Management control. Diverse native species are found in the area, with no single dominant plant association. The area should be reverted to state ownership, with designation as a state nature preserve. Acquisition of some areas along San Juan Creek by the state or BLM is desirable. BLM is conducting a Wilderness Review of the federally owned land in response to the Federal Land Policy and Management Act of 1976. Development should not interfere with the area's potential status as a wilderness.

**Painted Rock (SRA)** - Painted Rock is an isolated rock formation which Chumash Indians decorated with unique rock paintings ("pictographs") and "petroglyphs" (figures scratched into rocks). These magnificent rock paintings have almost been entirely vandalized.

**Soda Lake (SRA)** - This large ephemeral alkaline lake is one of the county's most unusual ecological areas. Filled with water in winter and spring, the lake serves as a key wintering area for sandhill cranes. The surrounding area is included in the general range of endangered wildlife species, the San Joaquin Kit Fox and Blunt Nosed Leopard Lizard. The alkaline conditions in the area support one of the most highly-localized plant species in the world, alkaline peppergrass (*Lepidium jaredii*). The lake covers about 13,000 acres, with the central portion administered by the Bureau of Land Management and the fringes in private ownership. Soda Lake should receive designation as a natural area along with appropriate protection.

**Caliente National Cooperative Land and Wildlife Management Area (SRA)** - The existing preserve includes 58,000 acres of Bureau of Land Management property. This range is considerably different than most areas in the county. There is very little tree cover (occurring primarily on northern slopes), yet this scenic backdrop is one of the most striking in the county. Caliente Mountain, the highest peak in the county at more than 5,100 feet, is located here and is the prominent peak in this outstanding scenic backdrop.

In addition to the rather unique natural values, this area is either partially or entirely within the general range of the California Condor and Blunt Nosed Leopard Lizard, both of which are listed as endangered species, and the San Joaquin Kit Fox, listed as a rare species.

The San Joaquin Kit Fox is naturally restricted to areas of native vegetation including rolling hills, canyons and arid flatland, unsuited to agriculture or urbanization. The California Condor is North America's largest land bird. It is threatened with extinction with about thirty birds remaining in existence.

The Bureau of Land Management is conducting a Wilderness Review of a large portion of the area in response to the Federal Land Policy and Management Act of 1976. BLM will recommend to Congress whether or not the area should be designated a wilderness area after studying it in relation to the Wilderness Act of 1964 and public opinion. Development should only be permitted in accordance with BLM standards authorized by the Federal Land Policy and Management Act.

**Temblor Range (SRA)** - The Temblor Range is the easternmost mountain range in the county, bordered on the west by the San Andres Fault. The Bureau of Land

Management is conducting a wilderness review of the federal lands which are designated as a Sensitive Resource Area. BLM will recommend to Congress whether or not the area should be designated a wilderness area after studying it in relation to the Wilderness Act of 1964 and public opinion. Development should only be permitted in accordance with BLM standards authorized by the Federal Land Policy and Management Act of 1976.

**Shandon Vicinity Creek Area and Habitat Area (SRA)** - The riparian forest and a portion of the adjacent upland areas associated with the Estrella River and San Juan Creek in the vicinity of Shandon are important wildlife habitat for the San Joaquin kit fox, Western burrowing owl and other wildlife species, and serve as important corridors for wildlife movement. Another important wildlife movement corridor is located near the base of the hillside near the eastern edge of Shandon. Development will need to comply with the applicable provisions in the Shandon Community Plan Habitat Conservation Plan (HCP) or other applicable HCP. Until such time as an HCP exists for this area, equivalent measures may be used on a case-by-case basis.

**Navaho Creek (EX1)** - This area consists of approximately 135 acres in and adjacent to the Navaho Creek channel, southeast of the intersection of Highway 58 and Red Hill Road, beginning one-and-one-half miles south of the Highway 58 crossing and extending for about two miles upstream. This area is included in the EX combining designation to reflect that it is classified by the State Department of Conservation's Division of Mines and Geology as containing or being highly likely to contain significant deposits of Portland cement concrete aggregate materials. As of 1989, one company was mining sand and gravel along Navaho Creek.

## **B. PROPOSED PUBLIC FACILITIES**

**Shandon Vicinity Wastewater Treatment Plant.** The preferred site for a future wastewater treatment plant that is to serve the community of Shandon is located west of the Shandon Urban Area between West Centre Street and the Estrella River. The wastewater treatment plant is to be designed with groundwater replenishment as a key component. Within the parameters of the preferred wastewater treatment option design, the plant is to be designed to minimize conversion of agricultural land. The Shandon Community Plan includes related wastewater policies and implementing programs.

## **C. ~~B.~~ COMBINING DESIGNATION AND PROPOSED PUBLIC FACILITIES PROGRAMS**

"Programs" are non-mandatory actions or policies recommended by the Land Use Element to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the community, through the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

Combining designation programs for the Shandon - Carrizo planning area are grouped under other location headings to identify specific areas where they each apply.

### **Sensitive Resource Areas**

1. **Caliente Wildlife Area.** The county should work with property owners and affected state and federal agencies to prohibit recreational off-road vehicles in the Caliente National Cooperative & Wildlife Management Area, except on Bureau of Land Management lands specifically designated for ORV use. Earth berms or other similar barriers in conjunction with drainage ditches should be placed adjacent to public roads to restrict access by off-road vehicles.
2. **Hubbard Hill - Freeborn Mountain.** At such time as Hubbard Hill and Freeborn Mountain are acquired by the state, the agency having jurisdiction should post adjacent private property and any public right-of-way leading to the area against trespassers.
3. **Painted Rock.** The county should work with the San Luis Obispo Archeological Society and the owners of Painted Rock to secure the area for prevention of further vandalism and preservation of remaining pictographs and petroglyphs, and to explore potential sources of funding and expertise to support future restoration.
4. **Soda Lake.** The county should work with property owners to initiate a program to restrict recreational off-road vehicles from the Soda Lake area by signing and physical barriers.

### **Proposed Pubic Facilities**

1. **Shandon Vicinity Wastewater Treatment Plant.** The county or applicable special district should evaluate the use of solar power to operate the wastewater treatment plant.

EXHIBIT LRP2003-00004 and G030013M:E

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE LAND USE ORDINANCE, CHAPTER 22.110 RELATING TO THE SHANDON-  
CARRIZO PLANNING AREA AND THE SHANDON URBAN AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.110.010 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**22.110.010 - Purpose and Applicability**

This Chapter provides standards for proposed development and new land uses that are specific to the Shandon-Carrizo planning area defined by the Land Use Element. These standards apply to proposed development and new land uses as provided by Section 22.90.020 (Applicability), and are organized according to the specific areas and/or land use categories within the planning area to which they apply.

The Shandon Community Plan and any future amendments to such plan, are hereby incorporated into the Shandon-Carrizo Area Plan by reference as though it were fully set forth here.

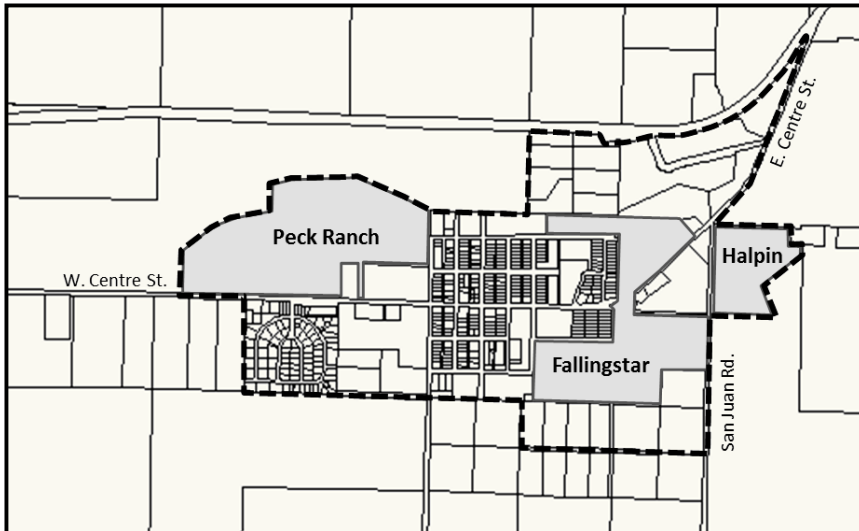
SECTION 2: Section 22.110 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new section 22.110.020 as follows and renumbering existing sections 22.110.020, 030, 040 and 050 to 22.110.030, 040, 050, and 060.

**22.110.020 - Combining Designations**

The following standards apply within the applicable combining designations. These standards apply in the rural, urban and village areas, so they are not repeated in later Sections of this Chapter.

- A. Flood Hazard (FH).** New development within the 100-year floodplain inside the master plan areas as shown on Figure 110-1 is prohibited, unless the use is exempt from the FH standards in Chapter 22.14 or there are no feasible alternative building sites on the property.





**Figure 110-1 – Master Plan Areas**

**B. Sensitive Resource Area (SRA) -** The following standards apply within the Sensitive Resource Area combining designation.

1. **Off-Road Vehicles.** Off-road vehicles are prohibited except on designated trails in BLM lands.
2. **Soda Lake SRA.** Resource extraction and new construction is prohibited within the Soda Lake SRA.
3. **BLM Wilderness Study Areas.** New development within BLM wilderness study areas is allowed only in accordance with the Federal Land Policy and Management Act of 1976.
4. **Shandon Vicinity Creek and Habitat Areas SRA.** The following standards apply within the Shandon Vicinity Creek and Habitat Areas SRA combining designation within the Shandon Community Plan Study Area as shown on Figure 110-2.



**Figure 110-2 – Shandon Community Plan Study Area**



- a. Land divisions and discretionary land use permits shall include open space or scenic preservation easements on the portion of the property within the SRA combining designation.
- b. Applications for land use permits and land divisions shall provide proof of an approved jurisdictional determination when the site may contain wetland features, including those identified in Figure 4.4-2 of the Final Environmental Impact Report (EIR) for the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project. New development shall be set back a minimum of 100 feet from the edge of a delineated wetland and riparian habitat. Activities within the setback area shall be limited to fuels reduction for fire safety purposes. New development shall comply with County requirements and the provisions of Appendix D of the Shandon Community Plan relating to biological resources including the following:

- (1) **Jurisdictional delineation.** A jurisdictional delineation shall be conducted by a County-approved qualified biologist for all properties that may contain wetland features prior to issuance of land use permits. The jurisdictional delineation shall examine the entire project site and shall determine if features on-site fall under the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Game. The result will be a preliminary jurisdictional delineation report which shall be submitted to the appropriate agencies for review and approval, and permits shall be obtained from each agency where applicable. No permits shall be issued until compliance with all applicable federal and state laws has been demonstrated.
- (2) **Mitigation of impacts to wetlands and riparian habitat.** All proposed projects shall be designed to avoid impacts to wetlands and riparian habitats. All wetland and riparian habitat and appropriate buffer zones shall be clearly demarcated on-site with highly visible construction fencing to ensure that these areas are not impacted during construction-related activities.

If wetland and/or riparian habitat cannot be avoided, permits shall be obtained from the appropriate regulatory agency: U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Game. Loss of such features shall be mitigated at a ratio to be determined by the permitting agencies, but shall not be less than 1:1 (one acre of habitat created to one acre of habitat lost). Mitigation shall occur on-site. Locally native riparian and wetland species shall be used and removal of native species shall be prohibited; however, select willow cuttings (from the site or within the Study Area) and emergent plant division are permissible. A mitigation plan shall be prepared by a qualified biologist and shall include success criteria, monitoring methods, a monitoring schedule, contingency planning, weed control/management provisions, irrigation methods and schedule, and annual reporting requirements. Created riparian and wetland habitat shall be monitored for a minimum of five years or as otherwise

determined by the permitting agencies. Prior to commencement of grading, a performance bond shall be filed with the County to complete habitat creation and maintain plantings for the duration of the mitigation program.

If mitigation on-site is not feasible, mitigation off-site at a location approved by the permitting agencies shall occur. Alternatively, payment into an in-lieu fee program and/or purchase of credits at an approved mitigation bank may be allowed by the permitting agencies for impacts to wetlands.

- (3) **Plan requirements and timing.** All grading and construction plans shall depict on-site wetland and riparian habitat and appropriate setbacks, and shall be submitted along with applicable permits, a performance bond, and proof of payment into an in-lieu fee program and/or purchase of wetland credits (if applicable) to Planning and Building for approval prior to issuance of land use permits. In addition, prior to issuance of land use permits a letter from the County Fire Department shall be submitted identifying that no riparian vegetation removal is needed for fire safety purposes.
- (4) **Monitoring.** The site shall be inspected by an approved monitor during all phases of construction to ensure compliance with appropriate avoidance and minimization measures.

- c. Uses within the habitat buffer areas along the eastern edge of the community as shown in Figure 110-3 shall be limited to recreational trails, habitat corridors, or other uses that are consistent with Shandon Community Plan Habitat Conservation Plan (HCP) or other applicable HCP.

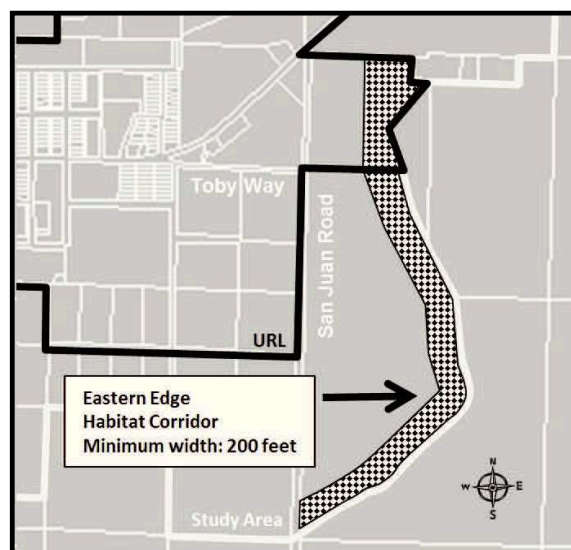


Figure 110-3 - Habitat Buffer Area

SECTION 3: Section 22.110.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

### **22.110.030 - Rural Area Standards**

The following standards apply outside of urban and village reserve lines, in the land use categories or specific areas listed.

- A. Agriculture (AG).** The following standard applies to the Shandon wastewater treatment facility site as shown in Figure 110-4.



**Figure 110-4 - Shandon Wastewater Treatment Facility Site**

1. **Permit required.** Conditional Use Permit approval is required for the development of the Shandon wastewater treatment facility. The Review Authority shall find that the wastewater treatment facility is consistent with the applicable provisions of the Shandon Community Plan. The facility shall be designed with an emphasis on groundwater replenishment. It shall be sited to minimize off-site odor and be adequately screened from public view.
- B. Commercial Retail (CR).** The following standards apply within the Commercial Retail land use category.
  1. **Cholame commercial area defined.** The Cholame commercial area on the west side of Highway 46 is 200 feet wide and 500 feet in length, in the northwest quarter of the southwest quarter of Section 30, Township 25 South, Range 16 East.
  2. **Permit requirement.** Minor Use Permit approval is required for all new uses unless Section 22.06.030 or Article 4 would otherwise require Conditional Use Permit approval

C. **Commercial Service (CS).** The following standards apply within the Commercial Service land use category.

1. **Highway 46 between Shandon and Cholame - Commercial Service area.** The following standards apply to the area located on the northwest side of Highway 46 between Shandon and Cholame, which is 200 feet wide with 390 feet of frontage on Highway 46 extending southwesterly from the intersection of the highway and the easterly line of the northwest quarter of Section 2, Township 26 South, Range 15 East as shown on Figure 110-5.

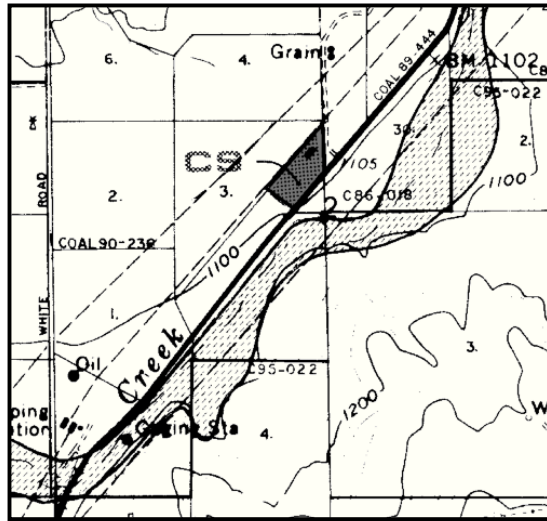
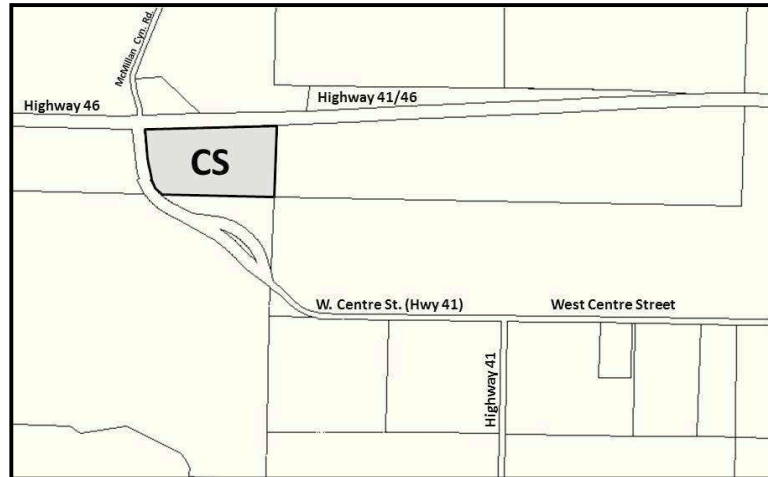


Figure 110-5 - CS – Commercial Service Area

- a. **Limitation on use - service commercial area.** Land uses shall be limited to the following, subject to the land use permit requirements of Section 22.06.030: Metal Industries - Fabricated; Small Scale Manufacturing; Agricultural Processing (excluding wine tasting and special events); Warehousing (no wholesale or retail sales from the site), Caretaker's Quarters and Residential Accessory Uses. All uses are limited to the producing, assembling, manufacturing and storing of goods and products that are for rural or agricultural applications or operations.
- b. **Permit requirement.** Minor Use Permit approval is required for all new or expanded uses, unless a Conditional Use Permit is otherwise required by this Title.

2. **West Centre and Highway 46.** The following standards apply to the property near the intersection of West Centre Street and State Highway 46 as shown in Figure 110-6.



**Figure 110-6 - CS - West Centre Street and Highway 46**

- a. **Permit requirement.** Conditional Use Permit is required prior to the first entitlement on the site. The Conditional Use Permit shall specify the permit requirements for the full build-out of the site for all new construction. If a separate entitlement has not been obtained prior to the master Conditional Use Permit for the Peck Ranch Master Plan area required by Section 22.110.050.B.1, development of this site shall be included as part of that master Conditional Use Permit.
- b. **Limitation on use.** Allowable uses shall be limited to Ag Processing, Animal hospitals and veterinary medical facilities, Crop Production and Grazing, Nursery Specialties, Small Scale Manufacturing (limited to artisan / craftsman type operations), Indoor Amusement and Recreation Facilities, Automobile Service Stations and Gas Stations, Restaurants, Libraries and Museums, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, General Retail, Restaurants, Lodging and Personal Services.
- c. **Groundwater offset.** New non-agricultural uses of groundwater shall be completely offset through one or more of the means listed below prior to issuance of construction permits for any of the following new development: 1) development resulting from new land divisions, 2) development of more than 9,999 square feet of floor area for allowed Small Scale Manufacturing uses, 3) development of more than 2,499 square feet of floor area for all other uses listed in Subsection C.2.b. All criteria are cumulative for a single site. In determining the amount of groundwater to offset, recharge from on-site septic system(s) shall be taken into account.
  - (1) Retrofit high-flow toilets and other plumbing fixtures within the Paso Robles Groundwater Basin with low-flow toilets and plumbing fixtures;

- (2) Participate in a county approved plumbing retrofit program for the Paso Robles Groundwater Basin;
  - (3) Use the California Urban Water Conservation Council's (CUWCC) best management practices for water conservation;
  - (4) Pay a "fair share" of the costs for delivering State water in excess of CSA-16's 2011 allocation of 100 acre-feet per year;
  - (5) Participate in a county approved lot retirement program for the Paso Robles Groundwater Basin;
  - (6) Participate in the County's Transfer of Development Credits (TDC) program pursuant to Chapter 22.24, provided eligible sending sites are located within the Paso Robles Groundwater Basin, and receiving sites shall not be eligible for a density bonus. The receiver site will receive credit for the water demand that the sending site would have otherwise used, if developed. The ground water off-set shall be determined at the same time the receiver site determination is made.
  - (7) Participate in a county-approved rural water conservation program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.
  - (8) Participate in a county-approved fee program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.
- d. **Project design.** Buildings and associated improvements shall be designed to be small and low-profile, with a maximum height of 28 feet above average natural grade. Architecture shall be a village and/or agricultural style that blends with the surrounding area. Structures shall connect to natural gas facilities. This standard may be waived with Conditional Use Permit approval provided propane tanks, if proposed, can be adequately screened from public view.
- e. **Signage.** Allowed signs shall be complementary to the site design and surrounding area. Signage is limited to monument signs of three feet or less in height, highway identification signs a maximum of 32 square feet in area and ten feet in height and one projecting, suspended, marquee or wall sign with a maximum area of 20 square feet, or one suspended sign with a maximum area of 10 square feet for each tenant or business.
- f. **Landscape.** In addition to the requirements of Chapter 22.16 (Landscaping) landscape materials shall be selected to break up the view of the project from Highway 46 and West Centre Street. Trees shall be selected from the Shandon Community Plan Master Tree List. Landscaping shall use permeable hardscape to the greatest extent feasible and native low water using landscape materials. Irrigated turf may be authorized by the Review Authority for active use areas only.

g. **Stream bank setbacks.** Buildings shall be setback a minimum of 100 feet from the top of the stream bank, delineated wetland and riparian habitat.

h. **Circulation.**

- (1) **Transportation impact fees.** Prior to recording a final map, issuance of construction permits or establishment of a use, transportation impact fees shall be paid per the Shandon Capital Improvement Plan (SCIP), unless, as part of the approval of a prior discretionary land use permit or land division application, the appropriate fees were paid and/or circulation facilities were constructed consistent with the SCIP or Chapter 8 of the Shandon Community Plan in order to cover the cost of the transportation impact fees for subsequent projects or land uses.

Prior to the adoption of the SCIP and an associated impact fee ordinance circulation facilities shall be constructed pursuant to Section 22.110.050.A.20.j(1), unless the Review Authority finds, based on a subsequent traffic study, that alternative circulation improvements are sufficient to mitigate the project's transportation impacts.

- (2) **Road improvements required.** West Centre Street shall be improved to Caltrans standards with new development.

i. **Drainage.**

- (1) Drainage shall be handled to maximize percolation and recharge.
- (2) Limit the development of impervious surfaces to reduce run-off volumes.
- (3) Run-off control measures shall be included in new development to minimize the discharge of urban pollutants into drainage areas.
- (4) Stormwater quality measures, such as vegetated swales, linear bio-retention cells within open channels, and permeable paving materials shall be incorporated in new development.

j. **Energy conservation.**

- (1) New development shall use energy-efficient equipment, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.
- (2) New development shall include at least four of the following energy conserving techniques:
  - (a) Install alternative energy equipment and devices such as solar thermal heating;



- (b) Integrate, where feasible, alternative energy mechanical equipment and accessories within roofing materials and/or blend them with a structure's architectural form;
  - (c) Pre-wire commercial and residential development for rooftop photovoltaic (PV) panels or other advanced technology;
  - (d) Employ passive solar design and natural daylighting techniques in the design and construction of buildings;
  - (e) Provide surfaces and windows (with “low-e” glazing), on south-facing walls, that add significant thermal mass, with proper ventilation, to control and distribute energy throughout structures;
  - (f) Use deciduous shade trees on the south, east and west sides of buildings, and low shrubbery immediately south of buildings to maximize passive solar performance; and use evergreen trees, where appropriate, to protect buildings from winter winds, provided the evergreen trees do conflict with the purpose of the deciduous trees.
  - (g) Use energy-saving landscaping around buildings and in parking lots to reduce solar gain in summer and allow solar gain in winter;
  - (h) Use building materials, components, and systems found locally or regionally to reduce energy use, emissions and transportation costs;
  - (i) Use non-toxic building products (e.g. formaldehyde-free insulation, low Volatile Organic Compounds [VOC] paints, etc.); and
  - (j) Use lowest water-using or waterless plumbing fixtures, water saving practices, and greywater recycling systems.
- k. **Solid waste disposal.** New development shall be required to subscribe to waste collection service.
- l. **Cultural resources protection.** All applications for land divisions and land use permits subject to discretionary review that involve grading, trenching or other ground disturbance shall include a Phase I archaeological survey of the site performed by a qualified archaeologist approved by the Environmental Coordinator. The survey shall include sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Any further evaluations and investigations and mitigation measures shall comply with County requirements and the provisions of Appendix D of the Shandon Community Plan relating to cultural resources.



- m. **Habitat conservation.** All land use permits, land divisions and other "covered activities" as defined in the Shandon Community Plan Habitat Conservation Plan (HCP) or other applicable plan shall be developed consistent with HCP. Prior to adoption of an HCP, projects shall be consistent with the applicable mitigation measures shown in Appendix D of the Shandon Community Plan for biological resources.
- n. **Environmental mitigation.** New development shall comply with the applicable mitigation measures in the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final Environmental Impact Report. Table 9.1 in the Shandon Community Plan identifies the type of development for which the mitigation measures in the Final Environmental Impact Report are required.

**D. Residential Rural (RR) - Parcel size.** The minimum allowable parcel size for new land divisions in the Residential Rural land use category is 10 acres unless a larger parcel size would otherwise be required by Chapter 22.22.

SECTION 4: Section 22.110.040 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

## **22.110.050 - Shandon Urban Area Standards**

The following standards apply within the Shandon urban reserve line to the land use categories or specific areas listed.

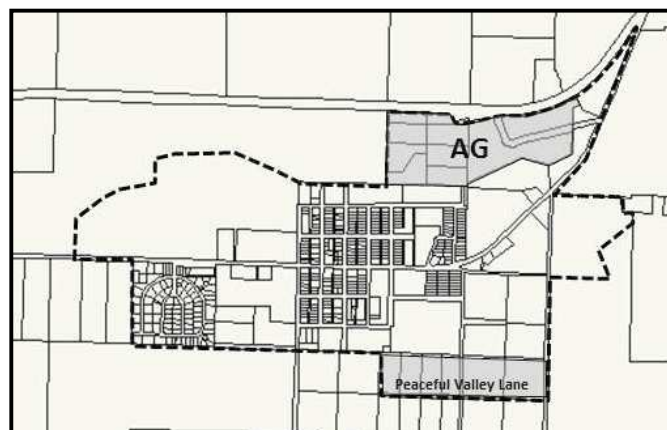
**A. Community-wide standards.** The following standards apply to all land use categories within the Shandon urban reserve line.

- 1. Environmental mitigation.** New development shall comply with the applicable mitigation measures in the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final Environmental Impact Report. Table 9.1 in the Shandon Community Plan identifies the type of development for which the mitigation measures in the Final Environmental Impact Report are required.
- 2. Building height.** The maximum building height in the Residential and Commercial land use categories shall be 28 feet. Exceptions may be granted pursuant to Subsections 22.10.090.C.2a or c.
- 3. Urban edge.** To avoid creating a sharp urban edge, development adjacent to the Urban Reserve Line shall include a landscaped area that breaks-up the view of building facades, fences and walls from public roads and nearby rural areas. The landscaped area shall include trees selected from the Shandon Community Plan Master Tree List and be consistent with the applicable mitigations for biological resources in Appendix D of the Shandon Community Plan. If adjacent to the Agriculture land use category or an agricultural use, an agricultural buffer shall be provided consistent with the Ag Buffer policy.
- 4. Stream bank setbacks.** Buildings shall be set back a minimum of 100 feet from the top of the stream bank.
- 5. Energy and water conservation.** New development shall implement the following water and energy-saving measures: Installation of low flow or dual flush toilets, low flow shower heads and water faucets and energy efficient appliances; Drip irrigation or micro-sprayers on appropriate landscaped areas; Use of devices such as soil monitors and rain shutoff devices for all automatic irrigation systems; and Use of mulch in non-turf areas, permeable hardscape to the extent feasible, soil amendments to increase soil moisture holding capacity of soil and native low water using landscaping.

In addition, new development shall include at least four of the following conservation techniques:

- a. Install alternative energy equipment and devices such as solar thermal heating.
- b. Integrate, where feasible, alternative energy mechanical equipment and accessories within roofing materials and/or blend them with a structure's architectural form.

- c. Pre-wire commercial and residential development for rooftop photovoltaic (PV) panels or other advanced technology.
  - d. Employ passive solar design and natural daylighting techniques in the design and construction of buildings.
  - e. Provide surfaces and windows (with “low-e” glazing), on south-facing walls, that add significant thermal mass, with proper ventilation, to control and distribute energy throughout structures.
  - f. Use deciduous shade trees on the south, east and west sides of buildings, and low shrubbery immediately south of buildings to maximize passive solar performance; and use evergreen trees, where appropriate, to protect buildings from winter winds, provided the evergreen trees do conflict with the purpose of the deciduous trees.
  - g. Use energy-saving landscaping around buildings and in parking lots to reduce solar gain in summer and allow solar gain in winter.
  - h. Use building materials, components, and systems found locally or regionally to reduce energy use, emissions and transportation costs.
  - i. Use non-toxic building products (e.g. formaldehyde-free insulation, low Volatile Organic Compounds [VOC] paints, etc.).
  - j. In new buildings, use the lowest water-using or waterless plumbing fixtures, implement water saving practices, and install greywater recycling systems.
6. **Domestic water supply.** Domestic (non-agricultural) water supply shall be provided by CSA-16 or successor water provider, except for the following:
- a. The land within the Agriculture land use category, as shown in Figure 110-7.
  - b. Parcels fronting on Peaceful Valley Lane, as shown in Figure 110-7, that are 2.5 acres or larger in size.



**Figure 110-7 – Domestic Water Supply**

- c. Development of an allowable residential use, pursuant to Table 2-2, except for mobile home parks and multi-family dwellings, on a lot legally created prior to the adoption of the Shandon Community Plan that is within a Residential land use category and outside of the CSA-16 service area.

**7. Domestic water supply - requirement for new development.** The standards below apply to the following new development:

1) development resulting from new land divisions, 2) land use permits that result in greater than four (4) dwelling units, 3) development of more than 9,999 square feet of floor area for uses listed under the industry, manufacturing and processing land use group, 4) development of more than 2,499 square feet of floor area for uses listed under all other non-residential use groups. All criteria are cumulative for a single site.

- a. The domestic (non-agricultural) water supply for new development listed above shall not be from groundwater, except as provided in subsection c.
- b. Prior to issuance of construction permits, the applicant for new development shall pay a "fair share" of the costs of a project, pursuant to the Shandon Community Plan Natural Resources Implementation Program NRIP-4, that will deliver State water to Shandon in excess of CSA-16's 2012 allocation of 100 acre-feet per year. The "fair share" is to be determined by CSA-16 or successor water provider based on the project's net new water demand. The project's contribution to recharge from the wastewater treatment facility shall be taken into account in determining net new water demand<sup>1</sup>.
- c. In the event the Board of Supervisors determines, after completion of the necessary background studies, that the delivery of additional State water to Shandon is not adequate or viable for new development, the applicant may participate in one or both of the following:
  - (1) A County-approved water conservation program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin, or
  - (2) A County-approved fee program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.

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1) "Net new water demand" is the amount of non-agricultural water to be used by new development minus the volume of water returned to the groundwater basin through wastewater return flows. The calculation of net new water demand is the sole responsibility of the Planning Director using water demand factors for the proposed land uses.

**8. Water conservation.** New development shall limit the irrigated landscape area as follows:

- a. The irrigated landscape area for a single family dwelling shall be limited to a maximum of 15 percent of the lot area or 1,500 square feet, whichever is less. Turf area shall be limited to 20 percent of the irrigated landscape area. Example: a 6,000 square foot lot may have up to 900 square feet of irrigated landscape. Of that 900 square feet, up to 180 square feet may be turf.

- b. The irrigated landscape area for a multi-family project shall be limited to a maximum of 6,000 square feet per acre. Irrigated turf is limited to common active use areas only and may not exceed 20 percent of the irrigated landscape area.
- c. All other uses shall be landscaped in compliance with Chapter 22.16 - Landscaping Standards. Irrigated turf may be authorized by the Review Authority for active use areas only.

9. **Public facilities and capital improvements.** Prior to recording a final map, issuance of construction permits or establishment of a use, public facility fees shall be paid per the Shandon Capital Improvement Plan (SCIP), unless, as part of the approval of a prior discretionary land use permit or land division application, the appropriate public facility fees were paid and/or public facilities were constructed consistent with the SCIP or Chapter 8 of the Shandon Community Plan in order to cover the cost of the public facility fees for subsequent projects or land uses.

Prior to the adoption of the SCIP and adoption of an associated fee ordinance, land division applications of five or more parcels, or projects located on lots that were legally created prior to the adoption of the Shandon Community Plan where the intensity of the proposed development is such that wastewater disposal cannot be accommodated with an on-site septic system, public facilities shall be constructed pursuant to Subsection A.20.j. This standard does not apply to Master Plan Areas, which are otherwise subject to Section 22.110.050.B.

10. **Street improvements required.** Sidewalks, curbs, gutters, street pavement, and street trees (consistent with the Shandon Community Plan Master Tree List, Appendix C of the Shandon Community Plan), are required in all land use categories, except in the Agriculture land use category. Street improvements, including sidewalk locations and parkway widths, shall be consistent with the Shandon Community Plan Street Sections. As necessary, additional right-of-way may be needed to be dedicated to accommodate the improvements. Alternative storm water conveyance methods require County Department of Public Works approval.

11. **Sewage disposal.** All new development shall connect to a community sewer system, except that new development on lots that were legally created prior to the adoption of the Shandon Community Plan that meet the minimum site area requirements of Section 22.10.110 are not required to connect to a community sewer system until such time the following criteria are met:

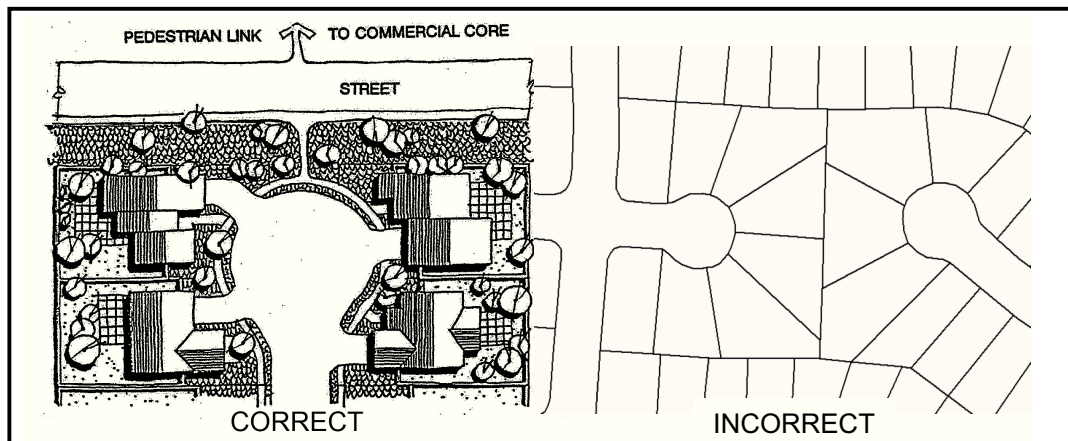
- a. The wastewater treatment plant is built with capacity to handle existing properties; and
- b. Sewer mains and/or collectors are installed within the existing neighborhood right-of-way; and
- c. The subject property is within 200 feet of a sewer main or collector; and

- d. The septic system on the subject property fails or the property owner obtains a building permit for a project that includes features that would increase potential wastewater generation (eg., adding a bathroom or bedroom); or
  - e. The State Regional Water Quality Control Board (or under the authority of another state or federal agency) mandates connection to the sewer.
12. **Master tree list.** When required, all street trees, and trees within commercial landscapes shall be selected from the Shandon Master Tree List, Appendix C of the Shandon Community Plan. When located within the public right-of-way, the street tree type and location shall also be approved by the County Department of Public Works.
13. **Drainage.** The following standards apply to all discretionary land use permits and land divisions:
- a. Drainage shall be handled to maximize percolation and recharge.
  - b. Limit the amount of impervious surfaces to reduce runoff volumes.
  - c. Runoff control measures shall be included in new development to minimize the discharge of urban pollutants into drainage areas.
  - d. Stormwater quality measures, such as vegetated swales, linear bio-retention cells within open channels, and permeable paving materials shall be incorporated in new development.
14. **Habitat conservation.** All land use permits, land divisions and other "covered activities" as defined in the Shandon Community Plan Habitat Conservation Plan (HCP) or other applicable plan shall be developed consistent with HCP. Prior to adoption of an HCP, projects shall be consistent with the applicable mitigation measures shown in Appendix D of the Shandon Community Plan for biological resources.
15. **Solid waste disposal.** New discretionary development shall be required to subscribe to waste collection and recycling service.
16. **Cultural resources protection.** New development shall protect cultural resources as follows:
- a. All applications for land divisions and land use permits subject to discretionary review that involve grading, trenching or other ground disturbance shall include a Phase I archaeological survey of the site performed by a qualified archaeologist approved by the Environmental Coordinator. The survey shall include sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Any further evaluations and investigations and mitigation measures shall comply with County requirements and the provisions of Appendix D of the Shandon Community Plan relating to cultural resources.

- b. All applications for land divisions and discretionary land use permits that involve the demolition or alterations of buildings or structures greater than 50 years old shall include documentation and evaluation of the historical significance of the those buildings or structures. The documentation and evaluation shall be performed by a qualified historian or architectural historian approved by the Environmental Coordinator. If such evaluation concludes that the buildings or structures are significant historical resources, then the qualified historian or architectural historian shall recommend measures to reduce impacts on historical resources, such as archival quality photographs, measured drawings, oral histories, and interpretive signs. Such measures shall be included in the project design, as applicable.
17. **Natural gas.** New development shall connect to natural gas facilities as follows:
- a. All subdivisions shall install gas lines consistent with Title 21 of the County Code.
  - b. New single family residences or secondary dwellings on individual lots shall connect to natural gas where gas lines exist in the fronting right-of-way or where the property is adjacent to a gas line easement.
  - c. Multi-family or commercial uses shall connect to natural gas facilities.
18. **On-street diagonal parking.** On-street diagonal parking within public rights-of-way may be approved with Conditional Use Permit approval where adequate right-of-way is provided, and the Review Authority finds that there is adequate parking within a reasonable distance to the project for longer vehicles that cannot use diagonal parking.
19. **Public improvements.** Public improvements shall be installed or bonded for prior to recording final maps or final inspection. If necessary, the subject property shall be annexed into CSA-16.
20. **Land divisions.** The following standards apply to new land divisions:
- a. **Conditional Use Permit required.** Applications for land divisions shall require concurrent Conditional Use Permit approval.
  - b. **Block length.** Blocks lengths shall promote through circulation that accommodates vehicles, pedestrians, and bicycles consistent with Chapter 5 of the Shandon Community Plan. Residential blocks developed with single family lots or other small lot development shall be no longer than 400 feet. Block lengths in the Commercial Retail land use category shall be determined by the Review Authority based on the proposed uses, size of building and parking requirements (pedestrian connection are required pursuant to Section 22.110.050.C.3.a). Where traditional downtown commercial blocks are proposed, shorter block lengths between 250 feet and 350 feet are encouraged. The Review Authority may approve longer blocks for large lot development or where site conditions (such as adjacency to a creek) do not necessitate though circulation.



- c. **Cul-de-sacs.** Through-streets are preferred over cul-de-sacs, which should be limited. Where cul-de-sacs are proposed and they are adjacent to a park, other legally accessible open space, or a collector or arterial street, they shall be opened to allow visible and convenient pedestrian and bike circulation (see Figure 110-8).



**Figure 110-8 - Cul-de-sacs**

- d. **Common areas.** When common areas are proposed or required, applicants shall establish mechanisms for guaranteed long-term management and maintenance of the common areas.
- e. **Notice to future tenants.** Applicants shall give notice to future owners and tenants of any conditions of approval or requirements associated with the project that are applicable to their particular lot or common areas within the subdivision.
- f. **Water system.** Each development shall have at least two points of connection to the community water system, as determined appropriate by the County Public Works Department.
- g. **Wastewater system.** New development shall install "backbone" wastewater pipelines, consistent with the approved Shandon Capital Improvement Plan (SCIP) or, prior to the adoption of the SCIP, Chapters 7 and 8 of the Shandon Community Plan, to meet upstream full-buildout demand, as determined appropriate by the County Public Works Department.
- h. **Drainage.** Applications for new land divisions shall include an assessment of a project's potential impacts on the local and sub-regional storm drainage systems so that the County can determine appropriate measures to ensure that system capacity and peak flow restrictions are not exceeded, as determined appropriate by the County Public Works Department.
- i. **Public facilities and capital improvements.** New land divisions shall require the development of the applicable public facilities identified in the Shandon Capital Improvement Plan (SCIP). Public improvements shall be installed or

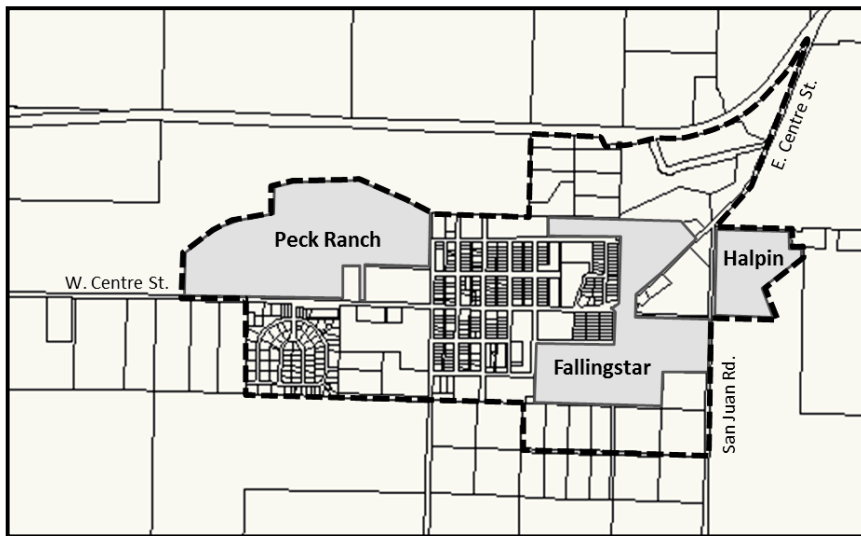
bonded for prior to recordation of final maps and, if necessary, a reimbursement agreement shall be made with the County, consistent with Ordinance 3129. The following standard applies prior to adoption of the SCIP.

- j. Prior to the adoption of the Shandon Capital Improvement Plan (SCIP), the first land division resulting in five or more parcels shall be responsible for constructing the following public facilities (if not previously constructed by a separate entity).
  - (1) The circulation improvements listed as items A-1, A-7, and A-12 in Table 8.3.a of the Shandon Community Plan.
  - (2) The following water system improvements listed in Table 8.3b of the Shandon Community Plan, as determined to be appropriate by County Public Works: items B-1 through B-6 if the land division is located east of San Juan Creek, or items B-1 through B-5 and items B-7 through B-10, if the land division is located west of San Juan Creek. Water system improvements shall be consistent with the CSA-16 Water Master Plan. If the CSA-16 Water Master Plan has not been updated subsequent to the adoption of the Shandon Community Plan, then the water system improvements shall provide the following:
    - (i) Project-specific evaluations of velocities and pressure throughout the system at various demand scenarios, and
    - (ii) Project-specific hydraulic modeling and fire flow analyses to evaluate impacts to operating pressures and fire flow availability in the existing and proposed water system and determine what, if any, additional water system upgrades may be required for the project, and
    - (iii) Design criteria and standards for various components of the water system, including pipe sizing, well capacities, fire flow requirements, pipe velocities and pressures.
  - (3) The following wastewater system improvements listed in Table 8.3.c of the Shandon Community Plan, as determined to be appropriate by County Public Works: items C-1 through C-12, if the land division is located east of San Juan Creek, or items C-1 through C-4, and items C-13 and C-14, if the land division is located west of San Juan Creek.

These improvements shall be consistent with Chapters 7 and 8, and Appendices B and E of the Shandon Community Plan. Public improvements shall be installed or bonded for prior to recording final maps. If necessary, the applicant shall enter into a reimbursement agreement, consistent with County Ordinance 3129, and the subject property shall be annexed into CSA-16 and receive a Conditional Will-Serve Letter from CSA-16.

- k. **Street lights.** Street lights shall be included with all new land divisions. They shall be designed and installed to limit light pollution, consistent with best practices endorsed by the International Dark Sky Association, and be low-energy-using fixtures, such as LED. If necessary, the subdivision shall be annexed into CSA-16 or another established special district.

**B. Master Plan Areas.** The following standards apply to Master Plan Areas as shown in Figure 110-9.



**Figure 110-9 - Master Plan Areas**

1. **Permit requirement.** Conditional Use Permit approval is required prior to any new development in any of the Master Plan Areas shown in Figure 110-9, unless the property owner elects to prepare a Specific Plan, consistent Government Code Sections 65450 and 65457. The Conditional Use Permit or Specific Plan shall address, at a minimum, the following:
  - a. Specify permit requirements for subsequent development.
  - b. If not previously constructed by a separate entity, require the construction of the circulation improvements listed in Subsection A.20.j(1).
  - c. If not previously constructed by a separate entity, as determined appropriate by the Public Works Department, require the construction of the water system improvements and wastewater system improvements listed in Subsections A.20.j(2) and (3).
  - d. Pursuant to the Shandon Capital Improvement Plan (SCIP) or Chapter 8 of the Shandon Community Plan if the SCIP is not adopted, Public Facility reimbursement payments shall be determined, if the project's "associated costs" for each improvement type (circulation, water, wastewater and drainage (based on the SCIP or Table 8.4 of the Shandon Community Plan) exceed the total costs for each improvement type the applicant is obligated to construct as required by Subsections b and c above. Example: Project A is conditioned or "obligated" to construct circulation items totaling \$1.2 million but the project's

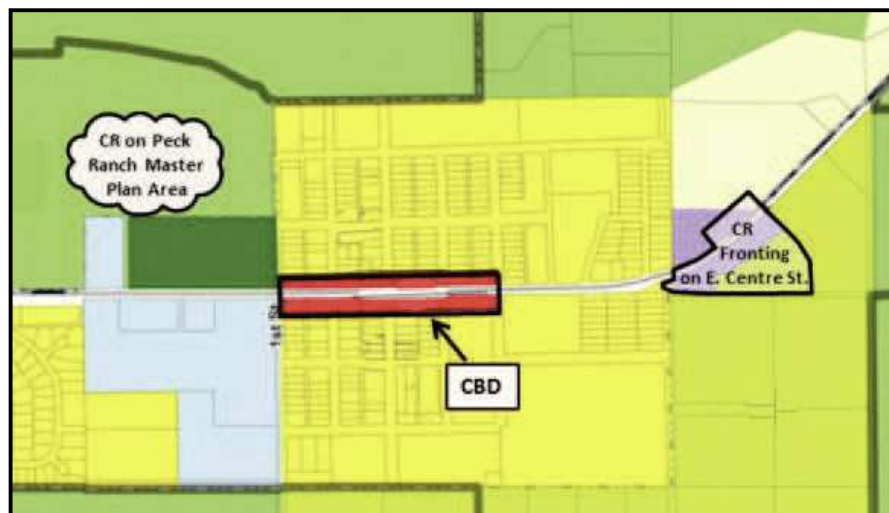
total "associated" (fair share) costs for all of the circulation items is \$2.0 million, then Project A would be responsible to pay \$800,000 in reimbursement. If an applicant's "obligated costs" exceed the "associated costs," the applicant shall enter into a reimbursement agreement, consistent with County Ordinance 3129.

- e. Address the requirements of Section 3.2.1 of the Shandon Community Plan.
  - f. Provide for appropriately-sized parks, pursuant to Section 6.2 of the Shandon Community Plan.
2. **Master Plan Area consistency requirements.** Development within each Master Plan Area shall be consistent with the land use plans shown in Figures 3.3 or 3.4, and corresponding Tables 3.5, 3.6 or 3.7 of the Shandon Community Plan. In addition, development shall follow the Master Plan Objectives, Master Plan Sustainability Principles, and the Master Plan Design Principles found in Section 3.2.2, 3.2.3 and 3.3 of the Shandon Community Plan. Public facility improvements shall be consistent with Shandon Capital Improvement Plan (SCIP), or if a SCIP has not been adopted, Chapters 7 and 8 and Appendices B and E of the Shandon Community Plan.
3. **Land use category changes.** A General Plan amendment shall be processed concurrently with the processing of the first discretionary entitlements for the Halpin and Peck Ranch Master Plans. The General Plan Amendment shall include the necessary land use category changes from Agriculture to urban land use categories, consistent with Figure 3.1 of the Shandon Community Plan and changes to the Central Business District boundary consistent with the vision for the Centre Street Commercial Corridor described in Section 3.1.2 of the Shandon Community Plan.
- C. **Commercial Retail (CR) and Commercial Service (CS).** The following standards apply to both the Commercial Retail and Commercial Service land use categories. They are intended to help implement the commercial design policies of the Shandon Community Plan and create a welcoming and aesthetically pleasing built environment that is well-connected to surrounding neighborhoods, providing easy accessibility by both vehicles and pedestrians.
- 1. **Permit requirement.** Minor Use Permit approval is required, unless a Conditional Use Permit is otherwise required by the Land Use Ordinance.
  - 2. **Design policies and guidelines.** Development shall be consistent with the Commercial Land Use and Neighborhood Design Policies in Chapter 3 of the Shandon Community Plan. The Commercial Design Guidelines found in Section 9.6 of the Shandon Community Plan shall be used in project design. Guidelines are not to be applied as individual standards but rather as a list of options for design techniques or project features.
  - 3. **Site design and architecture.** New development shall comply with the following design standards.
    - a. Site design, building orientation and placement shall carefully integrate pedestrian connections to any adjoining residential neighborhoods in ways that maximize ease of access and ensure the safety and security of both commercial and residential uses.

- b. For sites adjacent to land in the Agriculture land use category, buildings shall be located, designed, and oriented to protect agricultural resources.
  - c. Pedestrian furniture, landscaping (including trees) and other "streetscape" amenities located within the public right-of-way shall require an encroachment permit issued by the County Department of Public Works. The permit will identify maintenance and liability responsibilities of the adjacent property owners.
  - d. Parking shall be designed for safe ingress and egress to commercial centers. Pedestrian connections and linkages shall have a well-defined separation from vehicle circulation. A landscape buffer with a minimum width of five feet shall be provided between parking lots and pedestrian rights-of-way.
  - e. Parking lots on sites that have at least two driveways that serve buildings that are greater than 100 feet from street parking shall include at least two on-site spaces that accommodate long vehicles. These may be tandem spaces that allow for a vehicle to "pull-through" the parking spaces. This standard may be waived or modified with Minor Use Permit approval.
  - f. Loading, delivery and service areas shall be located at the rear or side of the site rather than the front. This does not include areas for short-term deliveries made by standard-sized vehicles or delivery vans. Loading, delivery and service areas shall be separate and screened from public areas, or where adjacent to a residential use or Residential land use category, by the use of decorative walls and landscape features.
  - g. Trash enclosures shall be screened from view with a combination of landscaping and solid walls.
4. **Lighting.** Exterior lighting shall kept to the minimum as needed for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways. The style of the fixtures shall be consistent with the overall project architectural concept and harmonious with the building design. Lighting shall be oriented away from sensitive uses, hooded or shielded, located to direct light pools downward and prevent glare, and consistent with best practices endorsed by the International Dark Sky Association. An exterior lighting plan shall be submitted with all discretionary projects and prepared by a qualified professional who is a current member of the Illuminating Engineering Society of North America.
5. **Commercial traffic.** If development of a non-residential project results in the community exceeding the maximum communitywide floor area for the applicable non-residential land use as shown in Table 3.1 of the Shandon Community Plan, an additional traffic study shall be submitted with the required land use permit application.

**D. Commercial Retail (CR).** The following standards apply only within the Commercial Retail land use category.

- 1. Site design and architecture.** In addition to Subsection C.3, new development in the CR land use category shall be consistent with the following site design and architecture standards:
  - a. Significant buildings with prominent architectural features shall be located near corners and intersections whenever possible.
  - b. At least 75 percent of the ground floor length of street-fronting buildings shall include architectural elements or details such as recessed windows and entries, display windows, offset surfaces, differentiated piers and columns, offset planes, textured materials, awnings, and compatible landscaping, or other details which are of interest to pedestrians.
  - c. For the areas shown in Figure 110-10 that are within the Central Business District, fronting on East Centre Street between San Juan Creek and San Juan Road, or on the portions of the Peck Ranch Master Plan Area not fronting on West Centre Street, orient building entrances toward the street. Front setback shall be from zero to five feet, except that greater setbacks may be authorized by the Review Authority to accommodate pedestrian plazas, patios, courtyards or other entry features of interest. Where site area allows, additional buildings may be located to the rear of a site. On-site parking shall be located behind the front buildings. On sites where additional buildings are located on the rear of a site, parking may be located in front of those buildings.



**Figure 110-10 - CR - Areas with building location requirements**

- d. Parking lots.** Parking lots shall consist of small bays with 24 or fewer spaces and include walkways and landscaping between the parking bays.
- e. Downtown parking.** Within the Central Business District (CBD), on-street parking fronting the subject site may be counted toward the required number of on-site parking spaces. The Review Authority may approve a greater reduction



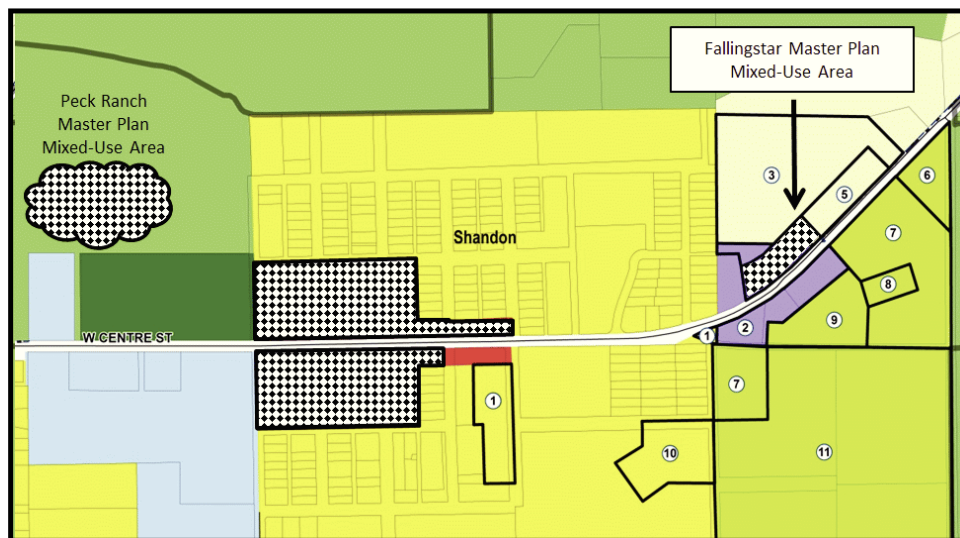
in the number of required parking spaces, based on the findings found in Section 22.18.020.H, because the characteristics of the immediate vicinity (the CBD) is compact, pedestrian oriented, and multiple businesses may be visited in one stop by using the same parking space.

**f. Parking lot access.** Access to parking lots in the CBD shall be from either a side street or an existing alley (but not Centre Street), except for the following locations:

- (1) On the south side of Centre Street between Third and Fourth Streets, a new mid-block alley may be created for access, provided that it is shared by both parcels on that block.
- (2) On the south side of Centre Street between Fourth and Fifth Streets, if access from Fifth Street is not feasible due to required creek setbacks, a second access point onto Centre Street is allowable.

**2. Limitation on use.** Residential uses are not allowed on properties in the Commercial Retail land use category, except for the mixed-use areas as shown in Figure 110-11 and described in the standards in Subsection D.3.

**3. Mixed Use Standards.** The following standards apply only in the Commercial Retail land use category in the areas intended for mixed-use development as shown in Figure 110-11, and to the specific mixed-use development areas described in the following subsections, as applicable.

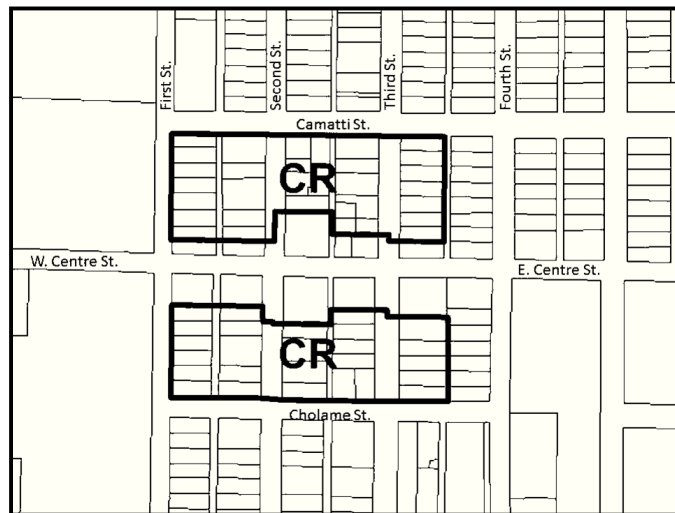


**Figure 110-11 - CR - Mixed Use**

- a. In the Peck Ranch Master Plan Area, mixed-use development is limited to the Commercial Retail area that is located north of the community park and fire station and is not allowed on the Commercial Retail area fronting on Centre Street. The maximum total number of residential units in the Peck Ranch Master Plan area shall be 40 units, and the maximum total acreage of mixed use development shall be limited to four acres.



- b. In the Fallingstar Master Plan Area, mixed-use development is limited to the Commercial Retail area that is located north of Centre Street. The maximum total number of residential units in the Fallingstar Master Plan Area shall be 21 units, and the maximum total acreage of mixed-use development shall be limited to 2.2 acres.
- c. New development shall consist of a combination of a primary non-residential use and a secondary residential use with an equal or lesser floor area, except for properties that front only on First, Second, Third, Camatti, or Cholame Streets (as shown in Figure 110-12), where the commercial portion of the development may have less floor area than the residential use, as determined appropriate by the Review Authority.



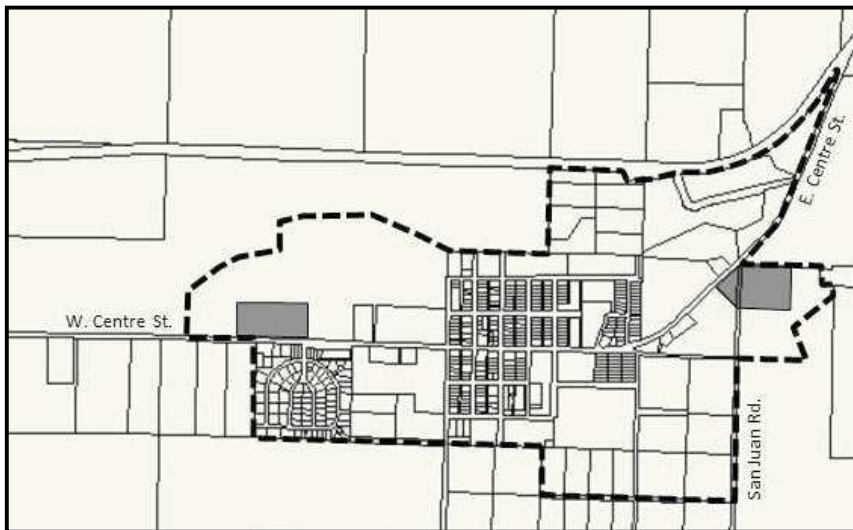
**Figure 110-12 - CR - Fronting properties**

- d. Residential uses existing prior to adoption of the Shandon Community Plan and located on properties that front only on First, Second, Third, Camatti or Cholame Streets (as shown in Figure 110-12), may continue and be expanded or remodeled as a primary use without the limitations imposed by Section 22.72.050 - Nonconforming Uses of Land and without being required to include commercial development.
- e. **Minimum site area and residential density.** The minimum site area for mixed-use development is 3,500 square feet. The maximum residential density is 10 units per gross acre, calculated using the acreage of the entire site, except for properties that front only on First, Second, Third, Camatti or Cholame Streets (as shown in Figure 110-12). For properties that front only on First, Second, Third, Camatti or Cholame Streets, the maximum number of dwelling units is one primary dwelling, and, on lots equal to or greater than 6,000 square feet, one additional dwelling that meets the standards of Section 22.30.470 - Residential - Secondary Dwellings.

- f. **Floor area and open area.** The maximum floor area and minimum open area requirements in Section 22.10.130.B.2 shall not apply. Instead, the land use permit shall require an amount of private open space and common area for privacy, recreation, light, and air that is appropriate for the nature of the project.
- g. **Location of residential development.** For properties fronting on Centre Street, between First and Fifth Streets, residential development shall be located only on the upper floor above the primary non-residential use of the site.

- 4. **The southeast corner of Fourth Street and East Centre Street.** At the time of the adoption of the Shandon Community Plan, this site was located in both the Commercial Retail and Residential Single Family land use categories. Prior to the first new development on this site, Conditional Use Permit approval is required to determine the precise location of the land use category boundary, pursuant to Section 22.02.020.D.4.

- E. **Commercial Service (CS) - Business Park Sites.** The following standards apply to the business park sites described in Chapter 3 of the Shandon Community Plan and shown in Figure 110-13.



**Figure 110-13 - CS - Business Park Sites**

- 1. **Limitation on use.** Land uses shall be limited to the those in the following use groups: Industry, Manufacturing and Processing, excluding concrete, gypsum and plaster products, recycling - scrap and dismantling yards, and stone and cut stone products; Recreation, Education & Public Assembly, excluding outdoor sports and recreation facilities and sports assembly; Services (includes offices); Retail Trade-limited to uses that are in support of the business park; and Agriculture, Resource, and Open Space-limited to agricultural processing and nursery specialties only.
- 2. **Setbacks.** The minimum setback shall be 15 feet along Centre Street and San Juan Road in order to help create a tree-lined streetscape and gateway into Shandon.

- F. **Commercial Service (CS)** - East Centre Street and Highway 46. The following standards apply to the property located at the intersection of East Centre Street and Highway 46 as shown in Figure 110-14.

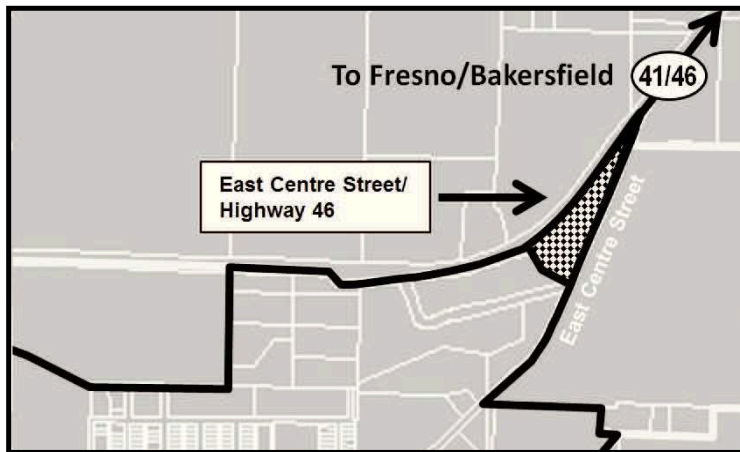


Figure 110-14 - CS - East Centre/Highway 46

1. **Limitation on use.** Allowable uses shall be limited to Ag Processing, Animal hospitals and veterinary medical facilities, crop production and grazing, nursery specialties, Small Scale Manufacturing (limited to artisan and craftsman-type operations), Indoor Amusement and Recreation Facilities, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, Automobile Service Stations/Gas Stations, General Retail, Restaurants, and Lodging, and Personal Services.
2. **Project design.** Buildings and associated improvements shall be designed to be small and low-profile, with a maximum height of 28 feet above average natural grade. Architecture shall be a village and/or agricultural style that blends with the surrounding area. Structures shall connect to natural gas facilities. This standard may be waived with Conditional Use Permit approval provided propane tanks, if proposed, can be adequately screened from public view.
3. **Signage.** Allowed signs shall be complementary to the site design and surrounding area. Signage is limited to monument signs of three feet or less in height, highway identification signs a maximum of 32 square feet in area and ten feet in height and one projecting, suspended, marquee or wall sign with a maximum area of 20 square feet, or one suspended sign with a maximum area of 10 square feet for each tenant or business.
4. **Landscape.** In addition to the requirements of Chapter 22.16 (Landscaping) landscape materials shall be selected to break up the view of the project from Highway 46 and West Centre Street. Trees shall be selected from the Shandon Community Plan Master Tree List. Landscaping shall use permeable hardscape to the greatest extent feasible and native low water using landscape materials. Irrigated turf may be authorized by the Review Authority for active use areas only.

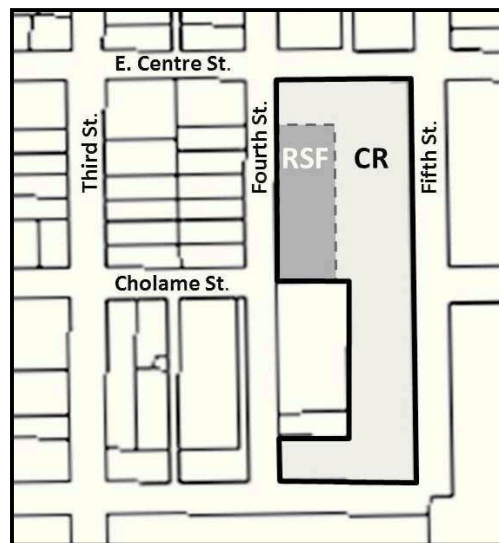
- G. Recreation (REC) - Limitation on use.** Within the Recreation land use category, uses are limited to: Crop Production and Grazing, Recycling - Collection Stations, Libraries and Museums, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, Sports Assembly, Temporary Events, and Outdoor Retail Sales. Areas adjacent to Crawford W. Clarke Memorial Park are limited to the expansion of the community park.
- H. Residential Multi-Family (RMF).** The following standards apply within the Residential Multi-Family land use category.
- 1. Limitation on use.** All land uses identified by Section 22.06.030 as allowable, permitted or conditional uses within the RMF land use category may be authorized in compliance with the land use permit requirements of that Section, except for Warehousing (mini-storage facilities) as a primary use.
  - 2. Density requirements and total number of units.** The minimum density shall be 13 units per gross acre. The minimum density may be reduced by the Review Authority where lots are physically or environmentally constrained. The maximum density shall be 20 units per gross acre, not including affordable housing bonuses, provided that the cumulative total number of dwelling units within each Master Plan Area shown in Figure 110-9 does not exceed the unit totals specified in its respective land use table, Table 3.5 or 3.7 in the Shandon Community Plan. The cumulative number of units within the Shandon URL shall not exceed the total specified in Table 3.1 in the Shandon Community Plan.
  - 3. Site development.** Project site plans shall provide for connectivity to adjacent neighborhoods and commercial areas.
  - 4. Development with individual yards.** The following standards apply to multi-family projects that propose individual private yards rather than a usable common area.
    - a. Usable private yards.** Usable common area is not required for development that includes usable private yards (for example, duplexes, half-plexes, row houses, or detached units), provided that the minimum open area of Section 22.10.130.B.2 is met, and the Review Authority finds that each unit will have an adequate amount of usable private space that is appropriate for a small-lot, single family residence. If multiple units are under single ownership, front yards and other shared spaces, such as parking or trash collection areas, shall be maintained collectively by the property owner.
    - b. Setback requirements.** Minimum front yard setbacks shall be as follows:
      - (1) 15 feet for the habitable portion of the residence;
      - (2) 10 feet for covered porches or detached entry features, such as an arbor or pergola;
      - (3) Garages shall be set back 10 feet further than the front of the habitable portion of the residence. Garage access from an alley or internal drive is preferred to access from the fronting street.

5. **Large-lot developments.** The following standards apply to multi-family projects that provide usable common areas rather than usable private yards. This may include all forms of multi-family projects (apartments, row houses, patio homes, duplexes or detached units). Projects may be under single ownership or condominiums.
- a. **Open area.** The minimum open area required by Section 22.10.130.B.2 shall include usable common open areas, not including front yard setbacks and private open areas, with a minimum of 200 square feet per unit.
  - b. **Private open area.** Each unit shall include a private open area with a minimum of 225 square feet of usable outdoor space having minimum dimensions of 10 feet. Upper story units with no ground floor shall have a minimum of 60 square feet of private area having a minimum dimension of six feet.
  - c. **Parking location.** Parking areas shall not be located in the front of the lot between the street and the buildings.
  - d. **Setback requirements.** Minimum front yard setbacks shall be as follows:
    - (1) 15 feet for the habitable portion of the residence;
    - (2) 10 feet for covered porches or detached entry feature, such as an arbor or pergola.
  - e. **Common area maintenance.** Where common areas are proposed or required, the applicant shall establish mechanisms for guaranteed long-term management and maintenance of common areas.

**I. Residential Single Family (RSF).** The following standards apply within the Residential Single Family land use category

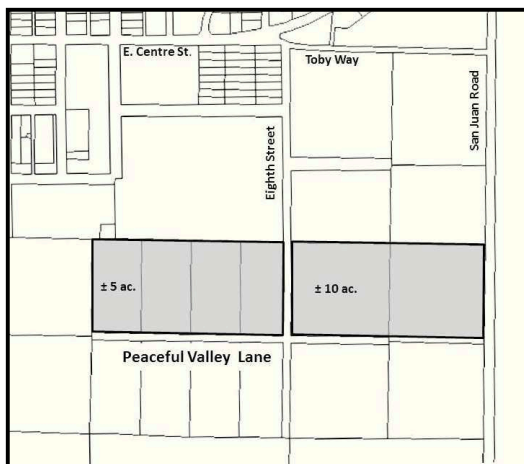
- 1. **Density limitation and total number of units.** The maximum density on sites with areas of five or more acres shall be limited to 12 units per gross acre in portions of the site, provided that the overall density shall not exceed 4.3 units per gross acre. The cumulative total number of dwelling units within each Master Plan Area shown in Figure 110-9 shall not exceed the unit totals specified in its respective land use table, Table 3.5, 3.6 or 3.7 in the Shandon Community Plan. The cumulative number of units within the Shandon URL shall not exceed the total specified in Table 3.1 in the Shandon Community Plan.
- 2. **Setback requirements.** Minimum front yard setbacks shall be as follows:
  - a. 15 feet for the habitable portion of the residence;
  - b. 10 feet for covered porches or detached entry feature, such as an arbor or pergola;

- c. Garages shall be setback 10 feet further back than the front of the habitable portion of the residence. Garage access from an alley or internal drive is preferred to access from the fronting street.
3. **Minimum parcel size.** The minimum parcel size for new land divisions shall be 4,500 square feet. Parcel sizes may be reduced through approval of a Specific Plan, Conditional Use Permit for a Master Plan, cluster division, condominium, Planned Development or similar residential unit ownership project in accordance with Section 22.22.080.
4. **Fourth Street south of East Centre Street - lot dimensions.** This standard applies to the RSF-portion of the property located on the east side of Fourth Street between Centre and Cholame Streets, as shown in Figure 110-15. Lot widths shall have dimensions that are similar to the lots on the west side of Fourth Street. Because there are two land use categories on this property, the precise location of the Residential Single Family land use category shall be determined through Conditional Use Permit approval pursuant to Section 22.02.020.D.4. This will also establish the depth of the residential lots.

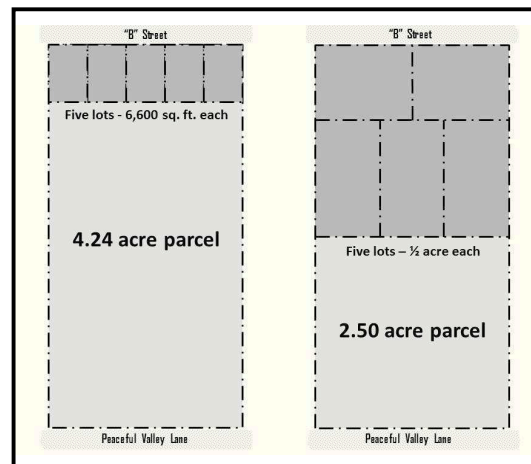


**Figure 110-15 - RSF - Fourth Street**

5. **Peaceful Valley Lane – land divisions.** For properties shown in Figure 110-16, the maximum density for land divisions is six lots per five acres (gross). Proposed lots on the northerly portion of the site shall have a minimum parcel size of 6,000 square feet, be clustered on the northerly portion of the site and use community water and sewer. On the southerly portion of the site, the minimum parcel size is 2.5 acres, and may use an on-site septic system, and community water or an on-site well. Figure 110-17 shows examples of lot layouts.



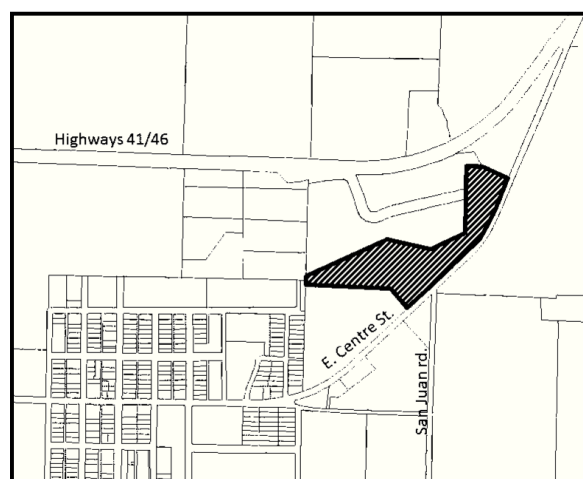
**Figure 110-16 - RSF - Peaceful Valley Lane**



**Figure 110-17 – RSF – Lot Layout Examples**

**J. Residential Suburban (RS).** The following standards apply within the Residential Suburban land use category.

1. **Cholame Creek area - cluster requirement.** For property located north of East Centre Street, as shown in Figure 110-18, land divisions shall be clustered in compliance with Section 22.22.140, unless through a standard land division, building sites can be located a minimum of 100 feet from the top of the stream bank.



**Figure 110-18 - RS - Cholame Creek Area**

SECTION 5. The Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgment and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth.



SECTION 6. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

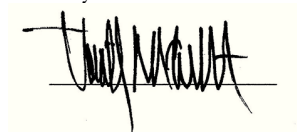
ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN  
County Counsel



By: Chief Deputy County Counsel

Dated: March 16, 2012

**EXHIBIT B**  
**LRP 2010-00008**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 21 OF THE SAN LUIS OBISPO COUNTY  
CODE, THE REAL PROPERTY DIVISION ORDINANCE, SECTION 21.02.090  
RELATING TO DUTIES OF THE PLANNING COMMISSION AND SUBDIVISION  
REVIEW BOARD AS THE ADVISORY AGENCY AND SECTION 21.06.010  
RELATING TO DISCRETIONARY TIME EXTENSIONS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 21.02.090 of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended as follows:

21.02.090 - Duties of the planning commission and subdivision review board as the advisory agency.

- (a) The planning commission is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative tract maps. In addition, the planning commission is authorized to make decisions on adjustment requests for tentative tract maps filed under Section 21.03.020, time extension requests for tentative tract maps filed under Section 21.06.010, and modification requests for recorded final tract maps filed under Section 21.06.060.
- (b) The subdivision review board is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative parcel maps, requests for the waiver of the filing of a parcel map as defined in Section 21.02.010(e), lot line adjustments as defined in Section 21.02.030, conditional certificates of compliance as defined in Section 21.02.020, and notices of violation as defined in Section 21.07.020. In addition, the subdivision review board is authorized to make decisions on adjustment requests for tentative parcel maps filed under Section 21.03.020, time extension requests for tentative parcel maps filed under Section 21.06.010, and modification requests for recorded parcel maps filed under Section 21.06.060.
- (c) The subdivision review board, as the Review Authority, is authorized to approve, conditionally approve, or disapprove certain land use permit applications that are submitted and filed in conjunction with tentative parcel map applications pursuant to the provisions of Title 22 or Title 23 of this code.
- (d) At the discretion of the Planning Director, any application for a project that may generate substantial public controversy or involve significant land use policy issues and for which review authority is granted to the subdivision review board pursuant to the provisions of Title 22 or Title 23 of this code, or this Title, may be referred to the planning commission for review and decision in the same manner as a tentative tract map without the applicant being charged an additional application fee.

SECTION 2: Section 21.06.010(c) of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (c) Upon application of the divider filed with the planning department prior to the expiration of the approved or conditionally approved tentative parcel map or tentative tract map, the advisory agency (the subdivision review board or planning commission) may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of six years, The planning department shall make a written recommendation in its staff report to the advisory agency concerning the extension request. The decision of the advisory agency shall be final unless appealed to the board of supervisors within fifteen (15) days after the date of the decision.

SECTION 3: This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Cal. Code Regs., tit. 14, § 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

SECTION 4: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2012, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN  
County Counsel

A handwritten signature in black ink, appearing to read "James B. Orton", written over a horizontal line.

By: Deputy County Counsel  
James B. Orton

Date: March 16, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE  
SAN LUIS OBISPO COUNTY LAND USE ORDINANCE,  
TITLE 22 OF THE COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1:** The amendments to the text of Parts I and II of the Land Use Element of the San Luis Obispo County General Plan and the amendments to the official Land Use Element maps adopted by Board of Supervisors Resolution No. 2012 - \_\_\_\_\_ are hereby adopted and included as part of this ordinance and Section 22.01.030 of the Land Use Ordinance as though they were fully set forth herein.

**SECTION 2:** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one of more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 3:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

**SECTION 4:** This ordinance shall take effect and be in full force and effect thirty (30) day after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on this third day of April, 2012, by the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors of the County of  
San Luis Obispo, State of California

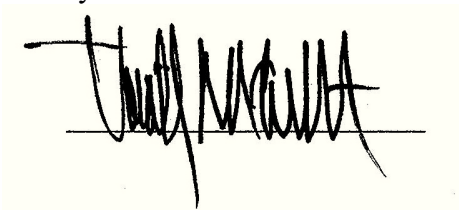
ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board of Supervisors,  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS  
APPROVED AS TO FORM AND CODIFICATION:

WARREN R. JENSEN,  
County Counsel

A handwritten signature in black ink, appearing to read 'WARREN R. JENSEN', is written over a horizontal line. The signature is stylized with large, bold letters and a long, sweeping underline.

By: Chief Deputy County Counsel

Dated: March 16, 2012

**Exhibit LRP 2003-00004:B**  
**Final Environmental Impact Report for the**  
**Shandon Community Plan Update**

**A copy of the Final Environmental Impact Report for  
the Shandon Community Plan Update  
is on file with the Clerk of the Board of Supervisors.**

**The public can access a copy of the Final  
Environmental Impact Report at the Clerk's office or  
through the Department of Planning and Building  
website: [www.sloplanning.org](http://www.sloplanning.org)**

**Members of the Board of Supervisors – The Final Environmental  
Impact Report was provided to the Board of Supervisors under  
separate cover in November 2011.**

**Please bring your copy of the FEIR to the hearing.**



## Findings

### LRP 2003-00004/G030013M

## ENVIRONMENTAL DETERMINATION

### Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the Shandon Compact Development Alternative Update may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The FEIR addresses potential impacts on: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Drainage, Erosion and Sedimentation, Geologic Hazards/Site Alteration, Land Use, Noise, Public Safety, Public Services and Utilities, Recreation, Transportation and Circulation, Water and Wastewater, and Greenhouse Gas Emissions. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Agriculture, Air Quality, Cultural Resources, Land Use, Noise, Public Services and Utilities, Transportation and Circulation, and Greenhouse Gas Emissions. See Exhibit 3b for specific CEQA Findings and overriding considerations.

## CEQA FINDINGS AND OVERRIDING CONSIDERATIONS

### **I. PROJECT DESCRIPTION**

The Compact Development Alternative would allow for the development of up to 1,064 new residential units and 899,000 square feet of new commercial development. Table 3b-1 summarizes land uses of the Compact Development Alternative.

*Residential Land Uses.* Residential land uses in the Compact Development Alternative include: Residential Suburban (1 to 5 acres per dwelling unit), Residential Single Family (mixed densities from 2 to 12 units per acre), Residential Multi-Family (13 to 20 units per acre), and Mixed Use (commercial uses combined with residential).

As shown in Table 3b-1, up to 1,064 new residential units could be accommodated in the proposed 20-year growth boundary compared to 373 existing units (336 of which are within the existing URL), for a total of 1,437 units. Upon buildout of the Compact Development Alternative, the population of Shandon would be approximately 5,260.

**Table 3b-1 Compact Development Alternative  
Land Use Summary**

Land use	Acres	Percent of Total Area	Units/Acre <sup>1</sup>	Existing Units	Potential New Units	Total Population <sup>2</sup>	Total New Non Res. SF
Residential Suburban (RS)	13	0.6%	<1	11	35	168	-
Residential Single Family	191	9.2%	5.6	286	588	3,199	-
Residential Multi Family	16.6	0.8%	17.5	2	242	893	-
Commercial Retail (CR)	23.7	1.1%	-	10	-	37	156,500
Commercial Service (CS)	55.6	2.7%	-	1	-	4	491,800

**Table 3b-1 Compact Development Alternative  
Land Use Summary**

Land use	Acres	Percent of Total Area	Units/Acre <sup>1</sup>	Existing Units	Potential New Units	Total Population <sup>2</sup>	Total New Non Res. SF
Comm. Service/Res. (CS/R) <sup>4</sup>	4	0.2%	13	-	33	121	35,600
Mixed Use (MU)	26.4	1.3%	10	52	149	736	215,100
Public Facilities (PF)	35	1.7%	-	-	-	-	-
Recreation (REC)	25	1.2%	-	-	-	-	-
Open Space (OS)	373	17.9%	-	-	-	-	-
Residential Rural (RR)	91.7	4.4%	-	-	-	-	-
Agriculture (AG)	1111	53.4%	-	11	17	102	-
Streets, Trails, etc.	115	5.5%	-	-	-	-	-
<i>Subtotal</i>	<i>2081</i>	<i>100%</i>	<i>-</i>	<i>373</i>	<i>1064</i>	<i>5,260<sup>3</sup></i>	<i>899,000</i>
<b>Total</b>	<b>2,081</b>	<b>-</b>	<b>-</b>	<b>1,437</b>	<b>5,259</b>	<b>899,000</b>	

1. Units per acre represent typical or average residential densities for proposed units.

2. Total population is based on an average of 3.66 persons per household and includes both existing and potential new units within the URL. Population calculations are rounded up such that portions of a person are included.

3. The total population differs from the subtotal population due to rounding inaccuracies. Total population is based on total units (1,437) and 3.66 persons per unit.

4. The CS/R area to be initially reserved for commercial service type uses only. At the time other commercial service land of equal or greater size within the 20-year growth boundary becomes available, this area may be developed with a mix of residential and commercial uses. The potential number of multi-family dwelling units may be less, if a commercial service project is developed on this site.

**Commercial Land Uses.** The Compact Development Alternative provides for commercial growth in the Shandon area through the designation of additional commercial land uses. These areas are identified as Commercial Retail, Commercial Service, Commercial Service/Residential (for additional flexibility in uses), and Mixed Use. The Compact Development Alternative provides flexibility by allowing Shandon the ability to grow into its commercial areas as needed, while also allowing for some of the commercial areas to be used for non-commercial purposes if conditions warrant. Vacant or underdeveloped parcels on the interior of the community would see an increase in density so as to promote compact development.

The Commercial Retail land use areas would accommodate up to 156,500 square feet of space for retail businesses, offices, medical facilities, limited services, and other civic and public assembly uses. Three types of Commercial Service areas are envisioned under the Compact Development Alternative, including visitor-serving and highway commercial uses, job centers and service businesses, and offices and limited retail. This would result in up to 491,800 square feet of Commercial Service space. In addition, the Compact Development Alternative would accommodate up to 35,600 square feet of Commercial Service Residential, which is identified as a flexible land use area for Commercial Service and/or residential land uses. The Mixed Use areas would accommodate up to an additional 215,100 square feet of uses that are similar to those in the Commercial Retail areas, but that are generally not parking lot-dependent.

To accommodate these land use changes, the Compact Development Alternative would expand the existing Urban Reserve Line to a proposed 20-year growth boundary, as shown in Figure 6-1 in Section 6.0, *Alternatives*, of the Final EIR.

## **II. THE RECORD**

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission relating to the propose project includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearings on the program.
2. The Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR (February 2011).
3. The Compact Development Alternative and Staff Report prepared for the Planning Commission.
4. Public Workshop on the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Draft EIR at C.W. Clarke Memorial Park Clubhouse, Shandon, June 7, 2010;
5. Matters of common knowledge to the Commission which it considers, such as:
  - a. The County General Plan, including the land use maps and elements thereof;
  - b. The text of the Land Use Element;
  - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
  - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
  - e. The Clean Air Plan;
  - g. The San Luis Obispo County Public Facilities Financing Plan;
  - h. San Luis Obispo Council of Governments Long Range Socio-Economic Projections
  - j. The Countywide Growth Management Ordinance;
  - k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
  - l. Additional documents referenced in the Final EIR for the program.

### **III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

The Planning Commission certifies the following with respect to the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR:

- A. The Planning Commission has reviewed and considered the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR.
- B. The Final Environmental Impact Report for the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Compact Development Alternative.
- D. The Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

#### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)**

*The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.*

**A. Aesthetics (Class III)** – No Class III impacts.

**B. Agricultural Resources (Class III)** – No Class III impacts.

**C. Air Quality (Class III)**

- 1. Impact AQ-3: Clean Air Plan Consistency.** The San Luis Obispo Council of Governments (SLOCOG) estimates that in 2030 the population of Shandon will be 5,265. The population projections used in the Clean Air Plan (CAP) are based on SLOCOG projections. Because the Compact Development Alternative would result in a population of 5,259 residents, it would be consistent with the development assumptions in the CAP. Impacts related to CAP consistency would therefore be Class III, less than significant.

**D. Biological Resources (Class III)** – No Class III impacts.

**E. Cultural Resources (Class III)**

- 1. Impact CR-3: Impacts to Paleontological Resources.** Implementation of the Compact Development Alternative would result in urban development within the 20-year growth boundary. This area encompasses surficial outcrops (alluvium, landslide deposits) and underlying strata of the Paso Robles Formation. The surficial outcrops consist of recent and older (Pleistocene) alluvium deposits interspersed with recent Quaternary landslide deposits, neither of which have known documented fossil resources. The Paso Robles Formation has yielded two documented localities, both of which occurred in Monterey County to the north and were of poor quality. Therefore, there is a negligible likelihood of paleontological resources within the Study Area.

**F. Drainage, Erosion and Sedimentation (Class III)**

- 1. Impact DR-1: Construction-Related Erosion, Sedimentation, and Pollutant Discharges.** Construction activity that would occur over the 20-year buildout horizon could cause temporary, short-term impacts to water quality. Grading and construction operations in association with development under the Compact Development Alternative have the potential to increase erosion and sedimentation to area drainages, which, if uncontrolled, could cause a substantial impact to water quality. However, regulations under the federal Clean Water Act require compliance with the State's National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for projects that would disturb greater than one acre during construction, or for projects that are smaller than one acre but part of a common plan of development. Compliance with the NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains specific actions, termed Best Management Practices (BMPs), to control the discharge of pollutants, including sediment, into the local surface water drainages. Compliance with the NPDES program and compliance with county grading and storm water ordinances would ensure Class III, less than significant impacts for the Compact Development Alternative.

**2. Impact DR-3: Flood Hazards.** Based on a review of FEMA Flood Insurance Rate Maps, 100-year flooding from Cholame Creek, San Juan Creek, McMillan Canyon Creek, and the Estrella River would primarily impact areas designated as Open Space as well as a small portion of land designated as Agriculture under the Compact Development Alternative. The Open Space designation would prohibit new development in those areas, thereby avoiding flood-related hazards. However, agriculturally related structures or single family homes could be developed in the areas designated for Agriculture. Placing residences within the 100-year flood hazard area could pose a threat to any inhabitants as well as both upstream and downstream properties as floodwater could be diverted or backed up as a result of the structures in the floodplain area. However, the Compact Development Alternative Community Plan includes the following policies and development standards designed to address this potential hazard:

- Development within the 100-year floodplain is prohibited, unless it is an exempt structure or there are no reasonable alternative locations on the subject property to build.
- If development is to occur within the 100-year floodplain, a site-specific hydrological study shall be done. The site and building design should incorporate recommendations of the hydrological study and ensure that structures do not impede or restrict water flows in the 100-year floodplain or encroach the floodway.

Compliance with the above Compact Development Alternative Community Plan policies, which would be a condition of approval for future development, would ensure that potential flood hazards remain Class III, less than significant.

#### **G. Geologic Hazards/Site Alteration (Class III)**

- 1. Impact G-1: Ground Shaking Hazards.** Strong seismic ground shaking could pose risks to people and structures within the Compact Development Alternative Study Area. However, the 2007 California Building Code (CBC) requires that the design and construction of new structures be engineered to withstand the expected ground acceleration that may occur. New development in accordance with the Compact Development Alternative would conform to the CBC (as amended at the time of permit approval) as required by law. Proper engineering, including compliance with the CBC, would minimize the risk to life and property. Impacts to new development from groundshaking would therefore be Class III, less than significant.
- 2. Impact G-3: Landslide Hazards.** The Study Area is predominantly comprised of flat or level topography. The majority of the proposed 20-year growth boundary has a low potential for landsliding hazards. However, localized areas of instability exist in the easterly adjacent slopes, and one Quaternary landslide is mapped east of the eastern terminus of West Centre Street. The Compact Development Alternative would eliminate development in this area (the Fallingstar Phase II property, which will remain designated Agriculture), and would therefore reduce this impact to less than significant, Class III.

#### **H. Land Use (Class III)**

- 1. Impact LU-4: Population Generation.** The *Update to Long Range Socioeconomic Projections* (SLOCOG, May 2009) presents forecasts of population between 2008 and 2035 for all of San Luis Obispo County, including

the community of Shandon. SLOCOG forecasts Shandon to have a population of 5,265 residents by 2030. Buildout of the Compact Development Alternative in 2030 would result in a total population of 5,259 residents within the proposed 20-year growth boundary. SLOCOG population forecasts would not be exceeded and impacts related to population would be Class III, less than significant.

2. **Impact LU-5: Housing/Population Displacement.** Compact Development Alternative buildout would accommodate up to 1,064 additional residential units in the Shandon community. Much of these new residential areas would be “infill” development that would occur within already developed areas. The remainder of new development would be adjacent to existing developed areas. Although some existing residences may be replaced by new residential development, a “substantial” displacement of existing housing or residents would only occur if allowed land uses displace more residences than what is accommodated through the proposed development. The Compact Development Alternative would accommodate 1,064 new residences, which is more than the 373 existing units in the Study Area. Therefore, implementation of the Compact Development Alternative would not result in the displacement of substantial numbers of people or housing. As such, impacts would be Class III, less than significant.

#### I. Noise (Class III)

1. **Impact N-1: Agricultural Operations Noise.** The proposed Compact Development Alternative would locate sensitive receptors (residential land uses) adjacent to agriculturally designated land uses. Heavy equipment associated with agricultural operations would generate point-source noise similar to construction equipment such as backhoes, dozers or excavators used during construction activities. As such, proposed residential land uses within 300 feet of agricultural operations may be intermittently exposed to nuisance noise levels. However, because such noise levels would be intermittent and generally occur when heavy machinery passes by nearby sensitive receptors during daytime hours, the County’s 60 dB(A) Ldn threshold, which is an average of noise levels over a day, would not be exceeded. Therefore, potential noise impacts associated with agricultural operations would be Class III, less than significant. Impacts related to construction noise are discussed in Section V below.
2. **Impact N-2: Long Term Operational Noise.** Traffic generated noise impacts would not require mitigation for existing and proposed sensitive receptors located along SR 46, First Street, San Juan Road and Toby Way. Existing and proposed sensitive receptors along these roadways would not be exposed to noise levels that exceed the County’s 65 dB(A) noise threshold as they would be located outside of the 65 dB(A) noise contour. Class I and II impacts related to long term operational noise on other roadways within the Community of Shandon are discussed in Sections V and VI below.

#### J. Public Safety (Class III)

1. **Impact S-3: Exposure of Future Residents to Existing Hazardous Material Sites.** There are two sites within the Study Area known to handle hazardous materials. These sites include the Hansen farming site (underground storage tank [UST]) and the Caltrans site (small quantity generator). Locating sensitive land uses adjacent to properties that handle hazardous materials may pose health risks. The two identified properties that handle hazardous materials are designated as public facility (the Caltrans site) and residential with the potential



to be a neighborhood park (the Hansen farming site) under the Compact Development Alternative. However, the UST at the Hansen farming site is regulated by the San Luis Obispo County Environmental Health Department's Certified Unified Program Agency and the Caltrans site is regulated by the Environmental Protection Agency. Regulatory oversight by these agencies ensures that on-site hazardous materials are handled and transported properly to minimize risk of upset through the preparation of a Hazardous Material Management Plan, or other similar document. Therefore, regulatory oversight would reduce impacts to potential development and clean up to Class III, less than significant.

2. **Impact S-5: Recycled Water Applications.** Secondary treatment is being considered for the wastewater treatment facility. Although a recycled water system is not being proposed, secondarily treated water could be used for agricultural irrigation. Use of recycled water for agricultural irrigation would be required to comply with requirements of Title 22 Division 4, Chapter 3, Sections 60301 through 60355 of the California Code of Regulations, including regulations on the types of crops appropriate for the wastewater treatment level employed. Pursuant to compliance with Title 22 requirements, including limitations on the types of crops irrigated with wastewater treatment facility effluent, impacts would be Class III, less than significant.

#### **K. Public Services and Utilities (Class III)**

1. **Impact PS-1: Police Protection.** The average response time to high priority emergency calls in Fiscal Year 2010 in Shandon was 23 minutes (Undersheriff Martin Basti, testimony at the August 4, 2011 Planning Commission hearing). Despite the relatively long distance to the nearest police station (25 miles to the southwest), response times vary because deputies respond to calls while on beat patrol, rather than from the Templeton Station itself (Reid, Personal Communication, June 5, 2009 and Basti, August 4, 2011). As a result, the increase in residential units and commercial square footage within the Compact Development Alternative area would not require new or expanded facilities (Reid, Personal Communication, June 5, 2009). Additionally, future applicants would be required to pay impact mitigation fees prior to the issuance of a building permit, in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April 2006). Payment of these fees would contribute to the provision of additional police protection equipment or facilities as needed to accommodate potential growth that could occur throughout the 20-year planning horizon of the Compact Development Alternative. The Sheriff's Department is currently making (systematic and procedural) adjustments in an effort to reduce response times and the Sheriff is pursuing a resident deputy for the Shandon area (Basti, August 4, 2011). Therefore, impacts to police protection services would be Class III, less than significant.
2. **Impact PS-2: Fire Protection.** Buildout of the Compact Development Alternative would increase the existing Shandon population. This population would demand additional fire protection services and further exacerbate inadequate fire protection services. Any increase in firefighters would require new or expanded fire station facilities because Station 31 does not have the capacity to accommodate additional firefighters. As development occurs under the Compact Development Alternative, it is anticipated that Station 31 would be expanded at its current location to accommodate the additional firefighters and equipment



needed to serve the area. Additionally, future applicants would be required to pay impact mitigation fees in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April 2006) prior to the issuance of a building permit. Payment of these fees would contribute to the provision of additional fire protection equipment or facilities as needed to accommodate potential growth. Therefore, impacts to fire protection services would be Class III, less than significant.

3. **Impact PS-3: Public Schools.** When compared to the existing capacity utilization of school facilities in Shandon, development accommodated by the Compact Development Alternative would increase the capacity utilization and exceed the operational capacity of both schools serving Shandon. The increase in students would create the need for an additional elementary school, possible expansion of Shandon Elementary, and a new middle school and/or expansion of the existing high school facility, the construction of which could cause environmental impacts. There is a site within the Compact Development Alternative area that could potentially be developed with a school site and/or neighborhood park site. If developed as a school, this area would provide additional school facilities to meet anticipated demand. If not developed as a school, the project applicant would be required to pay an in-lieu fee. In accordance with Section 65995(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65994(h), impacts relating to school capacity would be Class III, less than significant.
4. **Impact PS-4: Solid Waste Disposal.** Based on the residential solid waste generation rate of 0.41 tons per resident per year and the nonresidential solid waste generation rate of 9.4 pounds of waste per employee per day (California Integrated Waste Management Board), the Compact Development Alternative would generate approximately 2,156 tons of solid waste per year from residential uses and 247 tons per year from commercial uses, for a total of 2,403 tons per year. The yearly amount of solid waste at buildout would represent less than 0.1% of the available cumulative landfill capacity of the Chicago Grade and Paso Robles Landfills. Because adequate capacity at the Chicago Grade and Paso Robles Landfills exists to serve the Compact Development Alternative, new or expanded facilities would not be needed to serve the program. Therefore, impacts would be Class III, less than significant.

**L. Recreation (Class III)**

1. **Impact R-1: Impacts to Recreational Facilities.** The Shandon Compact Development Alternative would generate a population of 5,259 residents. This increase in population would lead to increased use of recreational facilities, and would contribute to the physical deterioration of these facilities.

Based on the County's Quimby Ordinance parkland standard of three acres of neighborhood and community parkland per 1,000 residents, the estimated future population of 5,259 residents would generate demand for 15.8 total acres of parkland. The Compact Development Alternative includes an additional 13.5 acres of new parkland. When added to the existing 11.5-acre community park,

the Shandon community would have 27.3 acres of parkland upon buildout of the Compact Development Alternative, which exceeds that required. In addition, future applicants would be required to pay an in-lieu public parks fee. Payment of in-lieu park fees would result in funding equivalent to the provision of neighborhood and community parks in accordance with the County's Quimby Ordinance standards. Following payment of Quimby Ordinance fees, impacts to recreational resources, including the physical deterioration of existing facilities and the need for new facilities, would be Class III, less than significant.

#### **M. Transportation, Circulation, and Traffic (Class III)**

##### **1. Impact T-2: Site Access and Internal Circulation Impacts.**

*Site Access.* The Compact Development Alternative is conceptual in design, and does not provide specific locations of access points. Traffic from most regional uses is assumed to access the main Study Area roadways via SR 46 and SR 41. The Compact Development Alternative does not identify required secondary emergency access. However, emergency services are available within the Study Area. Access roadways within future individual development projects would be required to conform to County Public Improvement Standards, which requires that access roads have a minimum width of 20 feet unobstructed by parking and a maximum allowable grade of 16%. Pursuant to compliance with these requirements, impacts related to site access would be Class III, less than significant. Site access for individual projects within the Plan Area would be reviewed on a project-by-project basis and would be subject to additional CEQA review.

*Internal Circulation.* Because no active application currently exists for the Compact Development Alternative, the assessment of traffic impacts is based on a reasonable worst case scenario with respect to internal circulation design. However, precise internal circulation impacts would be too speculative to address at this time. Project-level environmental analysis would subsequently be required, including the analysis of traffic-related and internal circulation impacts. In addition, future projects would require a site-specific environmental study, including analysis of traffic-related and internal circulation impacts. Impacts related to internal circulation would be Class III, less than significant.

- 2. Impact T-3: Parking Demand.** According to County Land Use Ordinance Section 22.18.050(C), residential projects must provide two off-street parking spaces per single-family unit and one to two spaces, plus guest parking spaces, per multi-family unit (depending on unit size). In addition, hotels require two spaces plus one space per unit and one additional space per ten units. General merchandise stores require one space per 300 square feet of sales area, while restaurants require one customer parking space per 60 square feet and one employee space per 350 square feet. Future applicants would be required to comply with County Land Use Ordinance Section 22.18.050 as a condition of project approval. Therefore, impacts related to parking demand would be Class III, less than significant.

#### **N. Water and Wastewater (Class III)**

- 1. Impact W-4: Sludge Disposal.** Residuals produced at the proposed wastewater treatment facility would be disposed of at a landfill permitted to handle such wastes. Solid waste generated within the Shandon community is taken to either

the Chicago Grade Landfill or the Paso Robles Landfill. Sending residuals from the proposed wastewater treatment facility to either of these landfills is not expected to impact overall landfill capacity. Therefore, impacts to landfill capacity due to the disposal of residuals would be Class III, less than significant.

**2. Impact W-5: Groundwater Quality Impacts due to Wastewater Disposal.**

Mineral loading in treated wastewater would have a significant impact on groundwater if discharged at the site located in the western portion of the Study Area. The wastewater may lower concentrations of TDS, calcium, and magnesium, but increase concentrations of sodium and chloride. Impacts from dissolved minerals in the treated wastewater effluent may be substantial at this site. However, the Regional Water Quality Control Board Basin Plan contains an anti-degradation policy that requires that existing groundwater quality be maintained. There is also the potential for impacts to groundwater due to nutrient loading. However, the RWQCB identifies a median objective in the Basin Plan for the Shandon area of 2.3 mg/L total nitrogen in groundwater. The proposed Compact Development Alternative includes the following wastewater program:

- WW – 1     Require that treated wastewater be of a quality consistent with the State Regional Water Quality Control Board standards and those standards adopted by San Luis Obispo County (SLOCO) and County Service Area 16.

Pursuant to compliance with this program, treated wastewater would comply with applicable water quality standards. Impacts would be Class III, less than significant.

**O. Greenhouse Gas Emissions (Class III).** No Class III impacts.

<b>V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)</b>
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***Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.***

**A. Aesthetics (Class II)**

- 1. Impact AES-1: Visual Character Changes.** Development envisioned by the Compact Development Alternative would permanently alter the character of the community when existing agricultural and open space areas are converted to suburban and urban development. In addition, the intensification of development facilitated by the Compact Development Alternative, including the water storage tanks and wastewater treatment facility, would result in increased building heights and a change in the existing development pattern. This would impact views of the nearby hills and open space, riparian zones, and agrarian resources. The alteration of visual character would be most evident from viewpoints within the community itself, although the overall change in character would also be seen from SR 46 and SR 41. However, development would be concentrated within the Community's urban core. Impacts would be Class II, significant but mitigable.

**a. Mitigation –**

**AES-1(a) Residential Siting and Design Standards.** Residential site locations shall be chosen to minimize aesthetic impacts. Considerations shall include, but not be limited to, the following guidelines as adapted from the Countywide Design Guidelines:

- Lots shall be screened from SR 46 to minimize impacts to visual corridors.

Residential design shall blend new residences and associated improvements into the natural landscapes. This may include, but not be limited to, the following architectural guidelines as adapted from the Countywide Design Guidelines:

- Conformance to existing topography.
- Building materials that blend with the surrounding environment in terms of color, texture, non-reflectivity and scale.
- Avoidance of extensive paved areas in the front yards allowing long-term external storage of vehicles.
- Landscaping that blends into the natural environment and screens the residence from view.
- Walls and fences designed using style, materials, and color to complement the buildings to which they are attached.
- Design of attached multi-family development to avoid monotony and promote visual interest. This may include, but not be limited to, the following:
  - Units that resemble large single family dwellings
  - Varied front setbacks within the same structure
  - Staggered unit plans
  - Use of reverse building plans to add variety
  - Maximum of two adjacent units with identical exterior wall and roof lines
  - A variety of orientations
  - Clustered units
- Articulation in the design of residential buildings and avoidance of long uninterrupted exterior walls. For dwellings with sloped roofs, use of both vertical and horizontal articulation.

**AES-1(b) Commercial Design Standards.** Commercial design shall blend new structures and associated improvements into the natural landscapes. This may include, but not be limited to, the following architectural guidelines as adapted from the Countywide Design Guidelines:

- Creation of horizontal emphasis to visually break up structures through the use of trim or other elements, adding awnings, eaves or other ornamentation, by using a combination of complimentary colors, and through the use of landscaping.
- Screening of areas to be utilized for storage, refuse, or loading from view of access streets, roadways, or adjacent residences

with berms, landscaping, low garden walls, fencing, or a combination of these features.

- Landscaped parking lot areas. In order to provide visual relief, glare reduction, and shade, large-canopy trees are recommended. Native species found within the project vicinity (i.e. *Quercus agrifolia*, *Quercus lobata*, and *Platanus racemosa*) should be used to the greatest extent feasible. Non-native tree species not listed as invasive by the California Invasive Plant Council may also be used if native species are unavailable or are determined to be inappropriate for a specific site.
- Use of alternative foundation systems such as split level, post and beam, etc., and use exterior materials and colors that blend with the surroundings.
- Avoidance of large monument signs and electronic message signs.

**AES-1(c) Architectural and Landscape Guidelines.** Future applicants shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines.

**Tract landscaping.** Landscaping guidelines for tract-wide improvements shall describe the following elements:

- Landscaping shall emulate and be compatible with the surrounding natural environment; only natural fiber, biodegradable materials shall be used;
- Fuel management techniques shall be used, including, but not limited to, fire resistive landscaping, defensible space features, and strictly controlled vegetation within defensible space;
- Fire-resistant vegetation shall be used in tract landscaping.

**Roofing and Feature Color and Material.** Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

**Understory and Retaining Wall Treatment.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect.

**AES-1(d) Grading.** Grading shall attempt to preserve hillsides and natural topography; grading transitions shall be gentle rather than abrupt.

**AES-1(e) Roadways and Infrastructure.** New roads shall be blended into the landscape and follow existing topography and

vegetation patterns. Cut and fill slopes shall be contoured to conform to the prevailing adjacent landforms and landscapes, and drainage swales may be used rather than curbs where approved by Public Works. Utility service for new development shall be underground.

**AES-1(f) Wastewater Treatment Plant Design Standards.** The proposed wastewater treatment plant shall be screened from the surrounding area with vegetation and earthen berms. Screening shall hide a minimum of eighty percent of the facility as seen from each of the four sides. Berms shall be contour-graded to appear as a natural part of the landscape. Screen planting shall consist of native trees and shrubs planted in natural vegetative patterns.

**AES-1(g) Water Storage Tank Design Standards.** Water storage tank site locations shall be chosen to minimize impacts to scenic hillside views. Considerations shall include, but not be limited to, the following:

- Storage tanks shall use natural topography to the greatest extent possible to minimize visibility.
- Storage tanks shall be placed partially or fully underground if feasible.
- Water storage tank design shall blend into the natural landscape. This may include, but not be limited to, the following design considerations:
  - Water tanks shall include earth-tone colors (e.g. browns, greens, tans and blues) that are compatible with the nearby environment to lessen potential visual contrast between the tanks and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.
- If water storage tanks cannot be placed underground, they shall be screened from view by native trees.

**b. Findings** – Changes or alterations have been required in, or can be incorporated into, the program which avoid or substantially lessen the significant environmental effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence** – Please refer to Impact AES-1 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

**2. Impact AES-2: Alteration of Scenic Views.** Scenic views from Primary View Corridors such as SR 46 and SR 41, Centre Street (SR 41), and others would be impacted by the addition of substantial new development in an area that has historically been remote and rural with very little growth. In addition, the



intensification of development facilitated by the Compact Development Alternative could result in increased building heights and densities, which has the potential to impact views of the nearby hills, riparian zones, and agrarian resources. However, development would be concentrated within the Community's urban core. Impacts would be Class II, significant but mitigable.

**a. Mitigation –**

Mitigation measures AES-1(f) (Wastewater Treatment Plant Design Standards) and AES-1(g) (Water Storage Tank Design Standards) would minimize impacts to scenic views resulting from construction of the wastewater treatment plant and water storage tanks, respectively.

**b. Findings –** Changes or alterations have been required in, or can be incorporated into, the program which avoid or substantially lessen the significant environmental effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence –** Please refer to Impact AES-2 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

- 3. Impact AE-3: Increased Light and Glare.** Development that could be facilitated by the proposed Compact Development Alternative would increase the ambient nighttime lighting throughout the proposed 20-year growth boundary. Increased lighting could come from streetlights, parking lot lights, and signage on business establishments and residential units allowed under the Compact Development Alternative. Lighting could adversely affect adjacent properties, as well as the overall nighttime lighting levels of the community. Increased glare could potentially occur as a result of building and roofing materials constructed of reflective metals or other reflective finishes, including solar panels, and windows reflecting sunlight. Areas that would experience the greatest potential for increased lighting are those areas likely to experience the greatest development potential. Because of the substantial number of new light and glare sources and the inherent high visibility from within the community as well as from primary viewing corridors such as SR 46, impacts due to increased light and glare would be Class II, significant but mitigable.

**a. Mitigation –**

**AES-3(a) Lighting.** Prior to issuance of construction permits, future applicants shall submit a comprehensive lighting plan to the County Department of Planning and Building for review and approval. The lighting plan shall be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America. Streetlight location, type, and documentation of ongoing maintenance shall be provided to and approved by Public Works. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall include the following in conjunction with other measures as determined by the illumination engineer:



- New lighting shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
- All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
- No electronic message signs shall be used.
- Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.
- Light fixtures with exposed light bulbs shall be avoided.
- All light fixtures shall be shielded to confine the spread of light within the residential subdivision boundaries.

**AES-3(b) Low Glare Materials.** Finish materials, including glazing, shall be of a low reflectivity to minimize glare. Development shall include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views.

**AES-3(c) Street Light Limitations.** Streetlights shall be pedestrian in scale, not to exceed a height of ten feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination nor glare towards the roadway or buildings.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. **Supportive Evidence** – Please refer to Impact AES-3 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

## **B. Agricultural Resources (Class II)**

1. **Impact AG-2: Agricultural/ Urban Conflicts.** Potential future development pursuant to the Compact Development Alternative has the potential to abut farming operations, creating potential conflicts.

*Impacts to Agricultural Uses.* Development in accordance with the Compact Development Alternative would result in residential development adjacent to farmland which can have several negative impacts on the continued on-site and adjacent agricultural production activities. Direct physical impacts resulting from trespassing may include vandalism to farm equipment and theft of crops, as well as the limitation of pesticide application. These can result in indirect economic impacts. Other indirect impacts to agriculture from nearby urban uses can affect the long-term viability of such operations. Increased regulations and liability insurance to protect the farmer from adjacent urban uses cost time and money.

*Impacts to Residential Uses.* Residents living adjacent to farmland commonly cite odor nuisance impacts, noise from farm equipment, dust, and pesticide spraying as typical land use conflicts. Other incompatibilities include unpredictable behavior by cattle in the presence of pedestrians, bicyclists, and/or domestic pets.

*Buffers.* The County Department of Agriculture/Measurement Standards maintains recommended standards for setbacks (buffers) and screening techniques between development and agricultural property to address impacts agricultural operations (trespass, litter, vandalism, theft, and general liability issues) or adjacent residents (dust, day and night-time noise, odor, and heavy vehicle traffic). Legal pesticide use would continue to be allowed for vineyard operations, gopher or weed control on the project site. However, some legal pesticides are restricted if residences are in close proximity. Therefore, the development of residences in close proximity to agricultural operations can limit certain legal pesticide applications. The County of San Luis Obispo has developed agricultural buffer policies and procedures that recommend buffer distance ranges for intensive and non-intensive agricultural uses from proposed residential uses. These buffers apply to the non-agricultural property and are designed to reduce land use incompatibilities. Impacts related to land use compatibility would be Class II, significant but mitigable.

**a. Mitigation –**

**AG-2(a) Agricultural Buffers.** Future applicants shall maintain County-recommended agricultural buffers (as shown in Table 4.2-2 in Section 4.2, *Agricultural Resources*, of the Final EIR), or as determined appropriate by the Agricultural Commissioner.

**AG-2(b) Conflict Reduction through Site Design.** New development shall be designed to separate occupied buildings from adjacent agricultural development to the extent possible. This may be accomplished through the following site design measures: building concentration or clustering away from existing agricultural uses; building orientation; and fencing in key locations.

**AG-2(c) Disclosure of Potential Nuisance.** In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, the notification shall identify that adjoining agricultural land is permanently protected for agricultural uses, and that future agricultural uses may vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, and/or changes in irrigation patterns and water use. The establishment of

new agricultural uses, if established in accordance with standard agricultural practices, will not be considered a nuisance from the time of establishment.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. **Supportive Evidence** – Please refer to Impact AG-2 in Section 4.2, *Agricultural Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

### C. Air Quality (Class II)

- 1. **Impact AQ-1: Temporary Construction Emissions.** Construction activity from future residential and commercial development under the Compact Development Alternative would cause temporary, short-term emissions of various air pollutants. NO<sub>x</sub> and CO would be emitted by the operation of construction equipment, while fugitive dust (PM<sub>10</sub>) would be emitted by activities that disturb the soil, such as grading and excavation, road construction and building construction. Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity.

Taken individually, construction activities are not generally considered to have significant air quality impacts because of their short-term and temporary nature. However, given that the Compact Development Alternative would accommodate up to an additional 1,064 residential units and 899,000 square feet of non-residential space, as well as infrastructure and utility improvements, it is reasonable to conclude that some major construction activity could be occurring at any given time over the life of the program and could occur simultaneously. In addition, because the SLOAPCD is in non-attainment with the state standard for PM<sub>10</sub>, the amount of dust generated from construction activities is potentially significant. Therefore, construction-related impacts associated with development under the Compact Development Alternative would be Class II, significant but mitigable.

#### a. Mitigation –

**AQ-1(a) Construction Equipment Emissions Controls.** Future applicants shall implement the following measures to mitigate equipment emissions:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standard identified in the above two measures (e.g., captive or NO<sub>x</sub> exempt area fleets) may be eligible by providing alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or jobs sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel; and
- The applicant shall apply Best Available Control Technology (CBACT) as determined by the SLOAPCD.

**AQ-1(b) Dust Control.** The following measures shall be implemented to reduce PM<sub>10</sub> emissions during construction:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt-stock-pile areas shall be sprayed daily as needed;
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

The above measures shall be shown on development plans.

**AQ-1(c) Cover Stockpiled Soils.** If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin.

**AQ-1(d) Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**AQ-1(e) Hydrocarbon Contaminated Soil.** Should hydrocarbon contaminated soil be encountered during construction activities, the SLOAPCD shall be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if a permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH – non-permeable barrier such as a plastic tarp. No headspace shall be allowed where vapors would accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

**AQ-1(f) Construction Activity Management Plan.** Prior to commencement of construction for any project for which the estimated construction emissions from the actual fleet are expected to exceed either of the Air Pollution Control District (APCD) Quarterly Tier 2 thresholds of significance after application of the construction equipment control measures in Mitigation Measure AQ-1(a), develop a Construction Activity Management Plan-(CAMP), designed to minimize the amount of large construction equipment operating during any given time period. The CAMP shall be submitted to the APCD for review and approval prior to the start of construction, and shall include, but not be limited to, the following elements:

- A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures that were listed under Mitigation Measure AQ-1(b);
- Tabulation of on-and off-road construction equipment (age, horsepower, and miles and/or hours of operation);
- Schedule construction truck trips during non-peak hours to reduce peak-hour emissions;
- Limit the length of the construction work day period, if necessary; and
- Phase construction activities, if appropriate.

**AQ-1(g) Off-Site Mitigation Fees.** For projects where construction-related ozone precursor emissions exceed APCD Quarterly Tier 2 thresholds of significance after application of other mitigation, including a Construction Activity Management Plan, as described in Mitigation Measure AQ-1(e), off-site mitigation fees would be recommended. The current rate for off-site mitigation, in accordance with Section 2.3.3 of SLOAPCD's *CEQA Air Quality Handbook*, is \$16,000 per ton of ozone precursor emission (NO<sub>x</sub> + ROG) over the APCD threshold calculated over the length of the expected exceedance. Future applicants may use these funds to implement APCD approved emission reduction projects near the project site or may pay that funding level plus an administration fee (2009 rate is 10%) to the APCD to administer emission reduction projects in close proximity to the project.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. Supportive Evidence** – Please refer to Impact AQ-1 in Section 4.3, *Air Quality*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

#### **D. Biological Resources (Class II)**

- 1. Impact BIO-1: Sensitive Habitats.** Implementation of the Compact Development Alternative would result in the direct removal of potential wetland habitat, as well as both direct and indirect impacts to riparian habitats.

*Wetlands.* Potential wetland features associated with SR 46 within the Study Area are found on land currently zoned for agricultural use (currently grazing). Several of these potential wetland features are present within the 20-year growth boundary in areas proposed for both urban development and in areas proposed to remain zoned for agricultural use. The remaining potential wetland features are present outside of the 20-year growth boundary, within the riparian corridors and in grassland habitat, primarily on lands that are and would continue to be zoned for agricultural use. In addition, a potential wetland feature not associated with SR 46 currently drains runoff from the existing community park to the Estrella River. Proposed land use changes for this area include establishment of new recreation, mixed use, and residential development, resulting in a complete loss of this feature. These potential wetland features may fall under U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG)



and/or Regional Water Quality Control Board (RWQCB) jurisdiction and be subject to jurisdictional requirements. A formal delineation must be completed and approved by the appropriate agencies. Therefore, the loss of the wetland features would be a Class II, significant but mitigable, impact.

*Riparian Habitats.* Riparian habitats throughout the Study Area are proposed for open space land use and no development is proposed within these areas. However, development adjacent to open space areas may result in both direct and indirect impacts. Direct impacts may result through implementation of County fire safety policies which require varying levels of fuels reduction within 100 feet of structures. Indirect impacts may result from construction activities adjacent to riparian areas, from increased human presence, and from introduction of non-native plant species. Impacts to riparian habitat would be Class II, significant but mitigable.

*Oak Trees.* Few native valley oaks are present in the annual grassland and riparian habitats within the Study Area. These are individual oak trees as no oak woodlands occur in the Study Area. Future development within the Study Area may result in both direct and indirect impacts to these oak trees. Direct impacts include removal of limbs or entire trees from the site. Indirect impacts may result from construction activities or other disturbance occurring near oak trees. The County currently has mitigation requirements for impacts to oak trees that includes acquisition of a tree removal permit and replacement plantings for impacts to oak trees. Impacts to oak trees as a result of residential, commercial, or other urban development are Class II, significant but mitigable.

**a. Mitigation –**

**BIO-1(a) Jurisdictional Delineation.** A jurisdictional delineation shall be conducted by a County-approved qualified biologist for all properties that may contain wetland features prior to issuance of land use permits. The jurisdictional delineation shall examine the entire project site and shall determine if features on-site fall under the jurisdiction of the USACE, RWQCB, and/or CDFG. The result will be a preliminary jurisdictional delineation report which shall be submitted to the appropriate agencies for review and approval, and permits shall be obtained from each agency where applicable.

**BIO-1(b) Avoidance, Minimization, and Mitigation of Impacts to Wetlands and Riparian Habitat.** All proposed projects in the Study Area shall be designed to avoid impacts to wetlands and riparian habitats. The County Fire Department *Standard 8: Defensible Space* requires a fuels reduction zone of no less than 100 feet from structures. Therefore, a minimum setback of 100 feet from the edge of delineated wetland and riparian habitat shall be recommended. Activities within the buffer zone shall be limited to fuels reduction for fire safety purposes only. All wetland and riparian habitat and appropriate buffer zones shall be clearly demarcated on-site with highly visible construction fencing to ensure that these areas are not impacted during construction-related activities

If wetland and/or riparian habitat cannot be avoided, permits shall be obtained from the appropriate regulatory agency (USACE, RWQCB, and/or CDFG). Loss of such features shall be mitigated at a ratio to be determined by the permitting agencies, but shall not be less than 1:1 (one acre of habitat



created to one acre of habitat lost). Mitigation shall occur on-site. Locally native riparian and wetland species shall be used and removal of native species shall be prohibited; however, select willow cuttings and emergent plant division are permissible. A mitigation plan shall be prepared by a qualified biologist and shall include success criteria, monitoring methods, a monitoring schedule, contingency planning, weed control/management provisions, irrigation methods and schedule, and annual reporting requirements. Created riparian and wetland habitat shall be monitored for a minimum of five years or as otherwise determined by the permitting agencies. Prior to commencement of grading, a performance bond shall be filed with the County to complete habitat creation and maintain plantings for the duration of the mitigation program.

If mitigation on-site is not feasible, mitigation off-site at a location approved by the permitting agencies shall occur. Alternatively, payment into an in-lieu fee program and/or purchase of credits at an approved mitigation bank may be allowed by the permitting agencies for impacts to wetlands.

**BIO-1(c) Landscape Plan.** Development plans for all discretionary land use permits or subdivision projects within undeveloped parcels that are not infill parcels shall include a landscape plan. The plan shall describe the size and species of all trees, shrubs, and lawns proposed to be planted in the Study Area, including the limits of irrigated areas, and shall conform to the County's approved list of local landscape plants. Locally native plant species shall be used to the greatest extent feasible. Invasive and problematic species such as those included on the County's list of potentially problematic plants, identified by the California Invasive Plant Council as invasive plants, and listed by the California Department of Food and Agriculture and/or U.S. Department of Agriculture as noxious weeds shall be prohibited.

The landscape plan shall identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides. No rodent control, pesticides, or herbicides shall be used within the non-disturbance buffer zones around wetland and riparian habitats. Operation and management of the landscape program will be designed to contain the distribution of management chemicals within the project site.

**BIO-1(d) Oak Tree Inventory, Avoidance, and Protection Plan.** Applicants for discretionary development projects at sites that support oak trees in the Study Area shall prepare an Oak Tree Inventory, Avoidance and Protection Plan as outlined herein. The plan shall be reviewed by a certified arborist or County-approved biologist prior to approval of grading permits, and shall include the following items:

1. Comprehensive Oak Tree Inventory. This shall include the following information:
  - An inventory of all trees at least 5 inches dbh within 50 feet of all proposed impact areas. All inventoried trees shall be shown on maps. The species, dbh, location, and condition of these trees shall be documented in data tables.
  - Identification of trees which will be retained, removed, or impacted. This information shall be shown on maps and cross-referenced to data tables described in Item (a).

- The location of proposed structures, utilities, driveways, grading, retaining walls, outbuildings, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans. In addition, the plans shall include any fenced areas for livestock or pets and clearance areas prescribed by County fire safety policies.
  - Revised drainage patterns that are within 100 feet upslope of any existing oak trees to remain. All reasonable efforts shall be made to maintain historic drainage patterns and flow volumes to these trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.
2. Oak Tree Avoidance and Protection Guidelines. Grading and development shall avoid the removal of oak trees where feasible and minimize potential disturbance to oaks and their associated root zones. Final site plans shall obtain concurrence from County staff to ensure compliance with this provision. Tree protection guidelines and a root protection zone shall be established and implemented for each tree or group of trees to be retained that occurs within 50 feet of disturbance areas. The following guidelines shall be included on all development plans:
- All oak trees to remain within 50 feet of disturbance areas (construction or grading) shall be marked for protection and the root zone fenced prior to any grading. The root zone shall be designated as 1.5 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. The project arborist or biologist must approve any work within the root protection zone.
  - Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above ground surface.
  - Unless previously approved by the County, the following activities shall be prohibited within the root zone of remaining oak trees: year-round irrigation (no summer watering, unless “establishing” a new tree or native compatible plant for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); or disturbance of soil that impacts roots (e.g., tilling).
  - Trimming oak branches shall be minimized, especially for larger lower branches, and the amount trimmed in one season shall be limited to 10 to 30 percent of the canopy to reduce stress/shock. If trimming is necessary, the applicant shall either use a qualified arborist or utilize accepted arborist’s techniques.

**BIO-1(e) Oak Tree Mitigation and Monitoring.** A certified arborist or County-approved biologist shall be retained by the applicant of a discretionary development project that would remove one or more oak tree to prepare an Oak Tree Mitigation Program that shall include a replacement plan and monitoring plan. These plans shall include cost estimates for the planting plan, installation of new trees, and maintenance of new trees for a period of seven years. A performance bond, equal to the cost of the estimate, shall be posted by the applicant.

1. Replacement Plan. The replacement plan shall outline the number of trees to be replanted, the proposed location(s) for replanting, a schedule for replanting efforts, and the methods to be used for replanting. Replanting of oak trees shall account for not more than one-half of the mitigation recommendation. The plan shall incorporate the following:
  - The plan shall include at a minimum a 4:1 (trees replaced to trees removed) ratio for oak trees removed and a minimum replacement ratio of 2:1 for oak trees impacted (i.e., disturbance within the root zone area) for all oak trees measuring 5 inches dbh or greater.
  - Replacement plantings shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. A qualified arborist or biologist shall be retained to monitor the acquisition, installation, and maintenance of all oak tree replacement plantings. Replanting shall occur as soon as possible following ground disturbance activities but shall be avoided during the warmest, driest months (June through September) to the greatest extent feasible. Whenever possible, the location of newly planted trees shall be located: 1) on the north side of and at the canopy/dripline edge of existing mature native trees; 2) on north-facing slopes; 3) within drainage swales (except when riparian habitat is present); 4) where topsoil is present; and/or 5) away from continuously wet areas (e.g., lawns, leach lines).
  - Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54" tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two-foot diameter and two-feet deep, shall be used below ground.
  - No herbicides shall be used. A weed mat (covering at least a three-foot radius from center of plant) shall be installed or weeds shall be removed by hand. A weed-free mulch at least three inches deep and covering at least a three-foot radius shall be installed and regularly replenished for each new tree.
  - A certified arborist or County-approved biologist shall submit to the County an initial post-planting report outlining the efforts that were undertaken during replanting and shall include an as-built planting plan.
2. Monitoring Plan. A monitoring plan shall be developed by a County-approved qualified biologist for a seven year period following

installation of newly planted oak trees and shall outline measures necessary to ensure that these newly planted trees become successfully established. Measures to ensure success shall include, at a minimum, maintaining protections from predation by wild and domestic animals; regular weeding a minimum of twice per year (minimum of once early fall and once early spring); installation of an irrigation system for controlled watering for the first three years. The plan shall include a monitoring schedule, success criteria, remedial measures (should they be needed), and annual reporting for a minimum of seven years or until replanted oak trees have become successfully established as determined by the qualified arborist or biologist with concurrence from the County. The goal at the end of seven years shall be a minimum of 80% survival of new plantings.

**BIO-1(f) Construction Best Management Practices.** In addition to mitigation measures AQ-1(b) and AQ-1(c) in Section 4.3 *Air Quality*, of the Final EIR, the following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans:

- Designation of a 15 mph speed limit in all construction areas.
- All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. Development of new access and ROW roads shall be minimized.
- Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.
- Daily construction work schedules shall be limited to daylight hours only.
- Mufflers shall be used on all construction equipment and light trucks shall be in good operating condition.
- Drip pans shall be placed under all stationary vehicles and mechanical equipment.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on a project site during construction.

**BIO-1(g) Worker Education.** Prior to initiation of all construction activities, including installation of exclusionary/protective fencing, for discretionary land use permit or subdivision projects within undeveloped parcels that are not infill parcels a County-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of all sensitive resource issues on-site as well as the general measures that are being implemented to protect these resources. A fact sheet printed in both English and Spanish languages shall be provided to all contractors, their employees, and any other personnel involved with the construction of the project, and shall include a description of the sensitive resources on-site, information on their occurrence on-site, a list of construction BMPs outlined in BIO-1(g) and other applicable mitigation

measures, instructions to follow when encountering sensitive resources, and all applicable County-required Conditions of Approval.

**BIO-1(h) Erosion and Sedimentation Control.** Applicants for discretionary development projects in the Study Area shall develop an Erosion and Sedimentation Control Plan to be implemented prior to and during all phases of construction to protect wetland and riparian habitats and other sensitive resources from contamination during construction. Erosion control measures shall include installation of a combination of certified weed-free straw wattles/bales, sand/gravel bags, mulching, erosion control blankets, soil stabilizers, and silt fencing. Silt fencing shall be buried at least six inches below ground and shall be maintained through all phases of construction. All graded areas shall have a native erosion control seed mix installed within four weeks of completion of ground disturbance activities.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. **Supportive Evidence** – Please refer to Impact BIO-1 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

- 2. **Impact BIO-3: Special Status Animal Species.** Implementation of the Compact Development Alternative has the potential to directly and indirectly impact special status wildlife species and their habitats. Three special status animal species were observed during site visits to the Study Area in 2007 and 2008 (Althouse and Meade, Inc. 2008): the southwestern pond turtle (*Actinemys marmorata pallida*) was observed in Cholame Creek and the Estrella River; two golden eagles (*Aquila chrysaetos*) were observed flying over the Study Area; and an American badger (*Taxidea taxus*) was observed in an alfalfa field in the southeast corner of the Study Area. In addition, although focused bat surveys were not conducted during these site visits, bats were found roosting under the SR 46 bridge over Cholame Creek. Surveys conducted for a Natural Environment Study for the SR 46 corridor improvement project positively identified the pallid bat (*Antrozous pallidus*) roosting at this bridge in 2002 (California Department of Transportation, 2003).

In addition to the aforementioned special status animal species documented within the Study Area, several special status animal species were determined to have the potential to occur in the Study Area, including: silvery legless lizard (*Anniella pulchra pulchra*), western spadefoot (*Spea hammondi*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), coast horned lizard (*Phrynosoma coronatum*), grasshopper sparrow (*Ammodramus savannarum*), burrowing owl (*Athene cunicularia*), northern harrier (*Circus cyaneus*), yellow warbler (*Dendroica petechia brewsteri*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Tulare grasshopper mouse (*Onychomys torridus tularensis*),



longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), Kern primrose sphinx moth (*Euproserpinus euterpe*), and San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*). It should be noted that despite the lack of evidence of presence and suitable habitat, the vernal pool fairy shrimp has been included in this analysis due to the USFWS' request that this species be included in a Habitat Conservation Plan (HCP) for the Study Area. The Study Area offers foraging and/or breeding habitat for each of these species. Most of these species are associated with the on-site drainages and associated riparian habitat, or with grassland habitat on-site, all of which has historically experienced the least amount of disturbance within the Study Area. Agricultural lands in the Study Area offer foraging opportunities and limited breeding opportunities for some of these species, depending upon the type of agricultural use. Rural residential and urban development provide marginal foraging and breeding habitat and special status animal species are unlikely to be associated with these areas.

A HCP is currently in preparation for the Compact Development Alternative. Species covered in this HCP are expected to include the SJKF, burrowing owl, and vernal pool fairy shrimp (VPFS). While the likelihood of take is considered to be relatively low for each of these species, direct mortality of these species and indirect impacts due to suitable habitat lost or altered may still occur. Under the HCP, future applicants for development in the Compact Development Alternative area would be responsible for the proper implementation of all measures in the HCP conservation strategy.

Direct impacts may result in injury, harm, and death of individual species during construction activities and loss of habitat, while indirect impacts may result from reduction/alteration of suitable habitat, increased human presence, increased light and noise, and increased presence of domestic animals. Proposed residential, commercial, and mixed use development may result in impacts to special status animal species. These impacts would be considered Class II, significant but mitigable, impacts.

**a. Mitigation –**

**BIO-3(a) San Joaquin Kit Fox Pre-construction Survey.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. No more than 30 days prior to initiation of construction activities within the Compact Development Alternative area, a pre-construction survey shall be conducted by a County-approved biologist and shall encompass the disturbance footprint plus a 100-foot buffer. The pre-construction survey shall include a walking survey of the disturbance area to locate potential dens and other sign indicating the presence of SJKF (e.g., tracks, scat, etc.). The walking survey shall include transects spaced generally 33 feet (10 meters) apart such that they entire disturbance area can be visually inspected. If potential dens are located, tracking medium such as diatomaceous earth (used to take imprints of animal footprints) shall be placed around the den for a minimum of three consecutive days and the area shall concurrently be spotlighted for a minimum of three consecutive nights to determine occupancy. If dens occupied by SJKF, or other indications of SJKF presence, are located on-site or within the 100-foot buffer, no further action on-site shall occur until the U.S. Fish and Wildlife Service (USFWS) and CDFG have been consulted.

Exclusion zones shall be established around all dens that are occupied or that will be avoided by the development using flagged stakes. Use of fencing shall be avoided. Exclusion zones shall be at the discretion of the County-approved biologist and may include the following:

- Potential den: 50 feet
- Known den: 100 feet
- Natal/pupping den: buffer to be determined on a case-by-case basis in coordination with USFWS and CDFG.

Unoccupied dens that cannot be avoided during construction shall be removed upon approval from USFWS and CDFG through hand excavation by a USFWS-permitted biologist.

A report of the results of the pre-construction survey shall be prepared and shall include a map identifying the location(s) where SJKF or its sign are found.

**BIO-3(b) San Joaquin Kit Fox (SJKF) Impact Avoidance.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. The following impact avoidance measures shall be implemented throughout the Study Area to reduce the potential for construction related impacts to the SJKF.

- Restrict construction activities to daylight hours.
- All trenches or holes more than two feet deep shall either be fully covered with plywood at the end of each work day or shall include escape ramps. All trenches or holes shall be inspected daily to ensure an animal is not trapped.
- All pipes, culverts, or similar structures shall be inspected for SJKF prior to capping, burying, or moving.
- Use of pesticides shall be avoided to the greatest extent feasible. If use of pesticides cannot be avoided, their use shall be restricted. A zinc phosphide or similar chemical rodenticide may be used if necessary to control rodent populations. All pesticides must be applied in accordance with federal and state standards.
- If a SJKF is found at a project site at any time during the course of construction, all construction activities shall cease and the CDFG and USFWS shall be contacted immediately for guidance.

**BIO-3(c) San Joaquin Kit Fox Impact Minimization and Mitigation.**

Setbacks that exclude structural development and non-agricultural site disturbance shall be provided for a distance of 100 to 400 feet from the top-of-bank (depending on site specific conditions) of the portions of the Estrella River and San Juan Creek that traverse the Compact Development Alternative area to allow for habitat preservation and upland movement corridors for SJKF. The area between these buffers on either side of these waterways shall be designated as a Sensitive Resource Area (SRA) by the County. An additional movement corridor with a width of 200 feet shall be designated along the eastern edge of the Compact Development Alternative area between Fallingstar Phase II and the neighboring hillside. In addition, all suitable habitat to be developed shall be restored/preserved either on-site or at a County-approved off-site location within the Shandon Valley at a



minimum ratio of 1:1 (impacted:restored). Note that the regulatory agencies (e.g., USFWS & CDFG) may require a higher ratio. It is preferred that restored/preserved parcels occur as contiguous lands, rather than scattered parcels. Restored/preserved parcels shall be preserved in perpetuity through a conservation easement or deed restriction.

If lands are to be restored, a restoration plan shall be developed by a County-approved biologist and shall include goals, methods, success criteria, and a timeline, and shall be implemented for not less than five years.

**BIO-3(d) Burrowing Owl Impact Pre-construction Survey.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Prior to initiation of ground disturbance activities, surveys shall be conducted to determine the presence/absence of burrowing owls where suitable habitat is present. A County-approved biologist shall survey the proposed disturbance footprint plus a 500-foot buffer to identify burrows and owls. Surveys for potential burrows shall be conducted by walking transects spaced generally 33 feet apart (10 meters) such that the entire survey area footprint can be visually inspected. Surveys for burrowing owls shall take place near sunrise or sunset in accordance with CDFG-adopted survey protocols (California Burrowing Owl Consortium, 1993) and shall focus on areas where burrows were found. All burrows or burrowing owls identified on-site shall be mapped. Surveys shall take place no more than 30 days prior to construction. Survey results will be valid only for the season during which the survey is conducted.

If no burrowing owls are detected during pre-construction surveys, no further mitigation is recommended.

**BIO-3(e) Burrowing Owl Impact Avoidance.** If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be avoided and a buffer shall be established around the occupied burrow(s) by the County-approved biologist. The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no construction activities shall occur within this buffer until the qualified biologist has determined that the burrow is no longer occupied.

If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with approval from the USFWS and CDFG. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

**BIO-3(f) Vernal Pool Fairy Shrimp and Longhorn Fairy Shrimp Presence/Absence Determination.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Prior to land use clearance, the USFWS protocol for wet and dry season surveys shall be conducted to conclusively determine the presence or absence of VPFS and longhorn fairy shrimp on-site where

suitable habitat is present. The survey area shall include the disturbance footprint plus a 500 foot buffer. A 90-day report consistent with the current USFWS reporting guidelines shall be prepared to document the methods and results of surveys. Should the presence of VPFS, longhorn fairy shrimp or additional special status wildlife species be determined, a map identifying locations in which these species were found shall be prepared and included in the report. The report shall be submitted to the USFWS for approval.

If the surveys produce a negative finding for the presence of VPFS, then no further mitigation would be recommended.

**BIO-3(g) Vernal Pool Fairy Shrimp and Longhorn Fairy Shrimp**

**Avoidance.** If VPFS or longhorn fairy shrimp are determined to be present on-site, then the following avoidance measures shall be implemented.

- An exclusion zone shall be established around each vernal pool found during the survey and shall be staked and flagged at the discretion of the County-approved biologist. The exclusion zone shall include areas up to 100 feet where pools are upslope from the construction site and up to 250 feet where pools are downslope of the construction site.
- Erosion control measures shall be implemented to reduce the potential for erosion of sediment into vernal pools. (See BIO-1 (h) above.)
- Work shall be avoided in the exclusion zone after the first substantial rainfall event (>0.25 inches) of the winter season until June 1, and/or until pools remain dry for 72 hours.
- Refueling and washing of vehicles shall occur no less than 100 feet from vernal pools and shall occur within a bermed and lined area to prevent contamination.
- Use of pesticides within 200 feet of vernal pools is prohibited.

**BIO-3(h) Legless and Horned Lizard Surveys, Capture and Relocation.**

This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Immediately prior to initiation of construction activities within the Compact Development Alternative area, capture and relocation efforts shall be conducted for the silvery legless lizard and coast horned lizard. Designated areas in permanent suitable habitat in open space shall be identified within or near the project site for release of captured legless and horned lizards.

Surveys shall be conducted by a County-approved biologist, and shall include raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches. In addition to raking, coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed in the survey area two weeks before surveys begin and shall be checked once a week during raking surveys. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture.

During all grading activities, a qualified biologist shall be on-site to recover any silvery legless lizards or coast horned lizards that may be

excavated/unearthed with native material. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be released to a County-approved specialist until they are in a condition to be released into the designated release area.

**BIO-3(i) Western Pond Turtle and Western Spadefoot Surveys, Avoidance, Capture and Relocation.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Where suitable habitat is present, a County-approved biologist shall conduct spring surveys for western pond turtles and western spadefoots before the onset of construction activities. If any western pond turtles or western spadefoots are found within 1,000 feet of construction activities such as lot grading or road construction, the biologist shall contact the CDFG to determine if moving any individuals is appropriate. If the CDFG approves moving animals, the biologist shall be allowed sufficient time to move the animals from the work site before work activities begin. If the CDFG does not recommend moving the animals, an appropriate buffer from seasonal pools, in-stream pools, and /or nesting sites shall be implemented and no grading or other construction activities shall occur within this buffer unless authorized by the CDFG. Only the County-approved biologist shall participate in activities associated with the capture and handling of these species.

**BIO-3(j) San Joaquin Whipsnake Surveys, Avoidance, Capture and Relocation.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Where suitable habitat is present, a County-approved biologist shall conduct surveys for the San Joaquin whipsnake not more than 30 days prior to the onset of construction activities. If any San Joaquin whipsnakes are found within 100 feet of construction activities, such as lot grading or road construction, the biologist shall be allowed sufficient time to move the animals from the work site before work activities begin. Only the County-approved biologist shall participate in activities associated with the capture and handling of these species.

**BIO-3(k) Pre-Construction Nesting Bird Surveys and Avoidance.** This measure shall apply to all development within the Compact Development Alternative area. To ensure avoidance of impacts to nesting bird species and raptors ("birds of prey"), including ground-nesting species, all ground disturbing and/or tree removal activities shall occur between September 1 and February 15. If ground disturbing activities and/or tree removal cannot be conducted during this time period, pre-construction surveys for active nests shall be conducted by a County-approved biologist within and adjacent to all anticipated development areas at most two weeks prior to initiation of construction activities. If active nests are located, all construction work must be conducted outside a buffer zone to be determined by the biologist and the CDFG (typically 50 to 200 feet). No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. The biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction within the buffer zone.

If a nest for the fully-protected white-tailed kite and/or golden eagle is found within or adjacent to the proposed project, the CDFG shall be contacted for

guidance and no construction activities may occur within a minimum of 500 feet from a white-tailed kite or golden eagle nest until the biologist has confirmed that breeding/nesting is complete and the young have fledged.

**BIO-3(l) American Badger Surveys and Avoidance.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Direct take of adult and juvenile badgers shall be avoided. A pre-construction survey for active badger dens shall be conducted where suitable habitat is present prior to initiation of ground disturbance activities by a County-approved biologist and shall include a thorough walking survey of the entire development area between two weeks and four weeks prior to the start of any ground disturbance activity. The survey shall cover the entire area proposed for development plus a 100 foot buffer. Surveys shall focus on both old and new den sites. Dens found within the survey area shall be monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction.

Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 100 feet around the active den shall be demarcated by highly visible construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. A County-approved biologist shall use the methods described above to determine when an active den is no longer in use.

Between July 1 and April 30, badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for three to five days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the development area, the dens shall be collapsed with a shovel to prevent re-use.

The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.

**BIO-3(m) Special Status Bat Surveys.** This measure shall apply to all development within the Compact Development Alternative area. A County-approved, qualified biologist shall conduct presence/absence surveys for special status bats where suitable roosting habitat is present. Bat surveys shall be conducted in accordance with methods set forth by the CDFG in Distribution, Habitat Associations, Status, and Survey Methodologies for Three Molossid Bat Species (1998). Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. Surveys shall be conducted no more than 30 days prior to initiation of construction activities.

**BIO-3(n) Special Status Bat Impact Avoidance.** Areas where bats are located shall be avoided where feasible. If impacts to bats cannot be avoided, exclusionary devices, such as netting, shall be installed by a County-

approved biologist around the roost(s) after the bats have left the roost in the evening and shall be monitored for a minimum of three days to ensure that no bats return to the roost. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. Exclusion of bats must commence prior to establishment of maternity colonies, which varies by species. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.

If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), installation of bat boxes near the impacted roost would be necessary to reduce the impact to the bat species present. Bat boxes shall be species-specific in dimensions and should mimic a tree hollow or crevice. Bat boxes shall be installed at a height that is appropriate for the bat species and anti-predator measures, such as small metal spikes on the top, shall be included to protect bats.

**BIO-3(o) Tulare Grasshopper Mouse Surveys and Avoidance.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. A County-approved, qualified biologist shall conduct presence/absence surveys for Tulare grasshopper mice where suitable habitat is present. Surveys shall be conducted using live traps. Surveys shall be conducted no more than 30 days prior to initiation of construction activities. Upon approval from CDFG, animals may be relocated to an approved location on-site outside of the ground disturbance footprint.

**BIO-3(p) Wildlife Exclusion Fencing.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. All projects shall have a temporary exclusion fence installed around the perimeter of the ground disturbance footprint to prevent special status and other animals from entering the construction area. The exclusion fence, typically consisting of silt fencing, shall be buried a minimum of six inches below ground, shall have a minimum height of two feet above ground, and shall fully encompass the construction site. The exclusionary fence shall be maintained in good working condition and any damage or other malfunction shall be repaired immediately.

**BIO-3(q) Pet Brochure.** This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. For all residential developments, a pet brochure shall be prepared to inform prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs. The brochure shall also inform potential homebuyers of the potential for coyotes to prey on domestic animals.

**BIO-3(r) Night Lighting Standards.** Night lighting of public areas shall be kept to the minimum necessary for safety purposes. Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting within 100 feet of open space shall be low intensity and be less than 25 watts. Excessive night



lighting, such as for ball fields or tennis courts, shall not be permitted near open space areas.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. Supportive Evidence** – Please refer to Impact BIO-3 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

- 3. Impact BIO-4: Wildlife Movement.** Implementation of the Compact Development Alternative would reduce the potential for movement of wildlife through the 20-year growth area and other areas of the Study Area due to overall loss of habitat. Cholame Creek, San Juan Creek, and the Estrella River each serve as natural movement corridors for a wide variety of species, particularly those adapted to riparian plant communities. The proposed land use plan for the Compact Development Alternative designates these corridors as Open Space, thus preserving them from development. Development of upland habitats adjacent to riparian corridors, however, may reduce the likelihood of use of these corridors by wildlife due to increased noise and light, increased human activities near the riparian corridor, and increased presence of domestic animals.

The 20-year growth boundary includes urban land uses that would convert annual grassland, and both active and fallow lands into commercial, residential, and mixed land uses. These areas may currently be used by a variety of wildlife species for movement through the Study Area, particularly where they abut open space areas. Developing lands adjacent to open space areas, particularly along riparian corridors including the Cholame Creek, San Juan Creek, and the Estrella River, may result in impacts through permanent loss of habitat and disruption of wildlife movement through these areas.

The Compact Development Alternative is designed to encourage development in and around existing urban land uses within the Study Area and, thus, minimize sprawl.

**a. Mitigation –**

Designation of riparian corridors as open space and implementation of mitigation measures BIO-1(b), BIO-1(e), BIO-1(g), BIO-1(h), BIO-3(c), BIO-3(p), BIO-3(q), and BIO-3(r) would reduce both temporary and permanent impacts to wildlife movement through open space areas. No additional mitigation would be recommended.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in

connection with applications for land divisions, land use and construction permits.

- c. **Supportive Evidence** – Please refer to Impact BIO-4 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

#### **E. Cultural Resources (Class II)**

##### **1. Impact CR-2: Impact to Unknown Historic or Archaeological Resources.**

Nine previously documented cultural resources have been identified within or adjacent to the Study Area. Although previous studies indicate that the area may contain only a low density of prehistoric sites, given the presence of recorded archaeological sites, there is still potential for buried archaeological deposits to occur throughout the Shandon area, including locations of potential future development within the Study Area. Disturbance of these resources is a Class II, potentially significant but mitigable impact.

##### **a. Mitigation –**

**CR-2(a) Accidental Discovery of Human Remains.** In the event of encountering human remains, the procedures described in Section 7050.5 of the California Health and Safety Code would be followed, and if those remains are determined to be of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code describe the procedures to be followed after the notification of the NAHC. In addition, the Conservation and Open Space Element Policy CR 4.4Section 19.20.035(a) of the County Building and Construction Ordinance, Section 22.10.040 of the County Land Use Ordinance and Public Resources Code 5097shall be implemented in the event that archaeological deposits are unearthed or discovered during ground-disturbing project activities.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. **Supportive Evidence** – Please refer to Impact CR-2 in Section 4.5, *Cultural Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

#### **F. Drainage, Erosion and Sedimentation (Class II)**

##### **1. Impact D-2: Long-Term Increases in Storm Water Runoff and Pollutant Discharges.**

Development in accordance with the Compact Development Alternative would modify the natural infiltration capacity of the area and generate pollutants associated with denser populations, causing increased storm water runoff volumes and pollutant loading. The number of impervious surfaces would increase as farmlands, fields, and other natural vegetation with infiltration abilities are converted to rooftops, parking lots, and roadways with limited ability to absorb water. Storm water runoff would wash over these impervious surfaces,



picking up pollutants while gaining speed and volume because of the inability to disperse and filter in the ground. Development of each residential or commercial unit facilitated by the Compact Development Alternative would contribute to increased impermeable surfaces and associated peak storm water discharge and volumes of runoff. A potentially significant impact would result if storm water pollutant concentrations are not properly controlled.

Proposed storm drains and culverts are anticipated to be adequate for transporting the runoff to the discharge points. However, detention or retention basins may be recommended by the County Public Works Department in the future to provide for sediment removal and groundwater recharge where appropriate. These recommendations would be conditions of future project approval.

The recently adopted General Storm Water Permit for Construction Activities permit (NPDES permit) includes post-construction storm water performance standards which specify runoff reduction requirements for all sites greater than one acre not covered by a Phase I or Phase II municipal separate storm sewer system (MS4) NPDES permit to avoid, minimize and/or mitigate post-construction storm water runoff impacts. In addition, County Land Use Ordinance (LUO) Section 22.52.130(B)(1) requires that "runoff conveyance...be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the County engineer." The proposed storm water system will be required to comply with this ordinance as a condition of project approval. Furthermore, the proposed Compact Development Alternative Community Plan includes Stormwater Drainage Policies SDP-1 through SPD-3, which are intended to minimize stormwater impacts through comprehensive stormwater management. In addition, Stormwater Drainage Implementation Programs SDIP-1 and SDIP-2 of the proposed Compact Development Alternative would require development of a communitywide Stormwater System Plan and identify sources of financing for improvements to the community drainage system.

Although compliance with existing regulations and implementation of Compact Development Alternative Community Plan policies and programs would reduce the magnitude of impacts associated with stormwater runoff, impacts related to pollutant discharges and water quality would be Class II, significant but mitigable.

**a. Mitigation –**

**D-2(a) LID-Integrated Management Practices.** Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control storm water runoff where it is generated to reduce downstream impacts. LID technologies shall be employed by all new residential and commercial development. LID technologies shall be incorporated into the Stormwater System Plan as appropriate. The following LID practices shall be implemented to minimize post-development runoff peak and minimize water quality impacts:

- Impervious surface reduction through street and parking lot design, turf pavers, and green rooftops (a lightweight layer of soil and vegetation atop appropriate roofs);
- Pavement management and landscape design and maintenance;
- Bioretention cells (soil and plant based filtration devices);
- Tree boxes to capture and infiltrate street runoff;

- Vegetated swales, buffers and strips;
- Roof leader flows directed to planter boxes and other vegetated areas;
- Permeable pavement;
- Impervious surface reduction and disconnection;
- Soil amendments to increase infiltration rates; and
- Rain gardens, rain barrels, and cisterns.
- Only natural fiber, biodegradable materials shall be used.

Since LID is intended to mimic the pre-development regime through both volume and peak runoff rate controls (Haltiner, 2006), the flow frequency and duration for the post-development conditions should be identical (to the greatest degree possible) to those for the pre-development conditions.

**D-2(b) Pollutant Removal Techniques.** In addition to LID-integrated management practices recommended by measure D-2(a), the Stormwater System Plan shall incorporate, and all new residential and commercial development that would result in the development of more than one acre of a given area, or as determined appropriate by the Public Works Department shall integrate into the project design available technologies and techniques to remove pollutants from site runoff prior to entering drainage courses or the public right-of-way. Such techniques shall include reduced slope grading, drainage through vegetative zones (e.g., bio-swale) and other options to intercept pollutants being conveyed toward drainage paths. Technological solutions such as gravelly filter blankets or particulate filters (e.g. Fossil Filters) should also be installed as pollutant-removal solutions. Only natural fiber, biodegradable materials shall be used.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. Supportive Evidence** – Please refer to Impact D-2 in Section 4.6, *Drainage, Erosion, and Sedimentation*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

## **G. Geologic Hazards/Site Alteration (Class II)**

### **1. Impact G-2: Liquefaction and Other Seismic- and Soil-Related Hazards.**

*Liquefaction and Seismically-Induced Settlement.* Future development facilitated by the Compact Development Alternative would be located in areas with high liquefaction potential which would expose people and structures to potentially significant hazards. Therefore, impacts related to liquefaction and seismically induced settlement would be Class II, significant but mitigable.

*Expansive Soils.* Several soils in the proposed 20-year growth boundary are characterized as having a moderate to high shrink–swell (expansion) potential. Structures and facilities developed in these locations, as well as occupants and

patrons of the structures, could be exposed to hazards related to expansive soils. Impacts related to expansive soils would be Class II, significant but mitigable.

**a. Mitigation –**

**G-2(a) Reduction of Liquefaction Potential.** Prior to development pursuant to the Compact Development Alternative, appropriate techniques to minimize liquefaction potential shall be prescribed by an engineering geologist and implemented by the applicant prior to issuance of Building Permits. Suitable measures to reduce liquefaction impacts shall include one or more of the following as recommended by a qualified engineer: specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. All structures shall comply with applicable methods of the California Building Code (CBC), as amended at the time of the time of permit approval.

**G-2(b) Soils/Foundation Report Measures.** Individual property developers proposing development within the areas identified as having a moderate or high shrink-swell potential shall submit a soils/foundation report as part of the application for any proposed Building Permit(s). To reduce the potential for foundation cracking, one or more of the following shall be implemented as recommended by a qualified engineer:

1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
2. Removal of the highly expansive material and replacement with non-expansive compacted import fill material.
3. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
4. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.
5. Where necessary, construction on transitional lots shall include over excavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable methods.

**b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence –** Please refer to Impact G-2 in Section 4.7, *Geologic Hazards/Site Alteration*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

**Land Use (Class II)**

1. **Impact LU-2: Construction-Related Land Use Conflicts.** The use of construction equipment and generation of fugitive dust during construction facilitated by the Compact Development Alternative would increase localized noise levels and result in a temporary reduction in local air quality. In addition, the generation of debris during construction may result in temporary impacts to visual resources. Nearby sensitive receptors include existing residences within Shandon and scattered rural residences located in the community vicinity, as well as the junior/senior high school, elementary school, church, community center, and senior center. The Compact Development Alternative would accommodate up to an additional 1,064 residential units and 899,000 square feet of commercial space. As a reasonable worst-case scenario from a noise impact perspective, disturbance associated with construction may be located in close proximity to the sensitive receptors.

As discussed in greater detail in Section 4.9, *Noise*, of the Final EIR construction-related noise impacts are significant but mitigable. Mitigation measure N-1(a) would apply to development facilitated by the Compact Development Alternative, thereby ensuring less than significant impacts. Similarly, as discussed in greater detail in Section 4.3, *Air Quality*, of the Final EIR, construction-related air quality impacts are significant but mitigable. Mitigation measures AQ-1(a) through AQ-1(e) would apply to future development in accordance with the Compact Development Alternative, and would reduce impacts to a less than significant level. Therefore, the impact of noise and dust from construction of Compact Development Alternative land uses would be Class II, significant but mitigable.

**a. Mitigation –**

Measures described in Sections 4.9, *Noise*, and 4.3, *Air Quality* of the Final EIR, would mitigate impacts to a less than significant level. No further mitigation is recommended in order to reduce this impact.

- b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. Supportive Evidence –** Please refer to Impact LU-2 in Section 4.8, *Land Use*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

2. **Impact LU-3: Long-Term Land Use Conflicts.** Buildout in accordance with the Compact Development Alternative would include 1,437 total dwelling units (including 1,064 new units in addition to the existing 336 units within the existing URL and 37 units within the proposed 20-year growth boundary), as well as up to 899,000 square feet of commercial/retail development. This level of development would alter the present land use on sites throughout the proposed 20-year growth boundary, and may result in incompatibilities with adjacent existing and planned land uses.

Commercial and residential development in the proposed 20-year growth boundary could conflict with the rural character of the community, block scenic

views, or introduce nighttime lighting and daytime glare in areas that currently lack extensive lighting and glare. These impacts are discussed in Section 4.1, *Aesthetics*, of the Final EIR. Residential development on or adjacent to agricultural lands could result in potential incompatibilities with adjacent agriculture activities. Future residential development could have several negative impacts on continued on-site and adjacent agricultural production activities; and residents living adjacent to farmland could be adversely affected by odors, noise, dust, and pesticide spraying associated with agricultural operations. These impacts are discussed in Section 4.2, *Agricultural Resources*, of the Final EIR.

The Compact Development Alternative also contains several land use changes which, in addition to the development described above, could affect potential long-term compatibility conflicts. In particular, the Compact Development Alternative contains several commercial/residential interfaces, as well as approximately 26.4 acres designated as mixed-use development. Locating commercial/retail uses within close proximity of residential units can expose residents to higher levels of noise than what would be expected in purely residential neighborhoods because of associated commercial/retail traffic, loading docks, mechanical equipment (such as generator, heating, ventilation, and air conditioning [HVAC] units), deliveries, trash hauling activities, and customer and employee use of the facilities associated with commercial uses. These impacts are discussed in greater detail in Sections 4.9, *Noise*, and 4.1, *Aesthetics* of the Final EIR.

The Compact Development Alternative is intended to provide for the orderly development of the Shandon community. As such, new supporting infrastructure included in the Compact Development Alternative, such as new roadways, redirection of existing roadways, or other infrastructure, such as drainage, water, and wastewater facilities, would be designed to support the proposed level of development. The only proposed roadway realignment is a minor realignment of old San Juan Road, which currently continues due north to Centre Street, and would be realigned to curve slightly west before joining East Centre Street. Other road improvements would include improved access to SR 46, a pedestrian bridge on Centre Street at San Juan Creek, a possible second vehicular crossing of San Juan Creek, and construction of a new paved water tank access road. These improvements are designed to enhance transportation and connectivity through the community, and would not physically divide the existing Shandon community. However, due to potential conflicts between residential and commercial/retail uses, impacts from long-term land use conflicts would be Class II, significant but mitigable.

**a. Mitigation –**

Measures described in Sections 4.1, *Aesthetics*, 4.2, *Agricultural Resources*, 4.9, *Noise*, and 4.10, *Public Safety*, of the Final EIR would mitigate impacts related to potential conflicts between residential and non-residential (commercial/retail, agricultural, and/or industrial) uses. No further mitigation is recommended in order to reduce this impact.

**b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included



as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. **Supportive Evidence** – Please refer to Impact LU-3 in Section 4.8, *Land Use*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

## I. Noise (Class II)

- 1. **Impact N-1: Temporary Construction Noise.** Noise from individual construction projects that could be facilitated under the Compact Development Alternative would create temporary noise level increases on and adjacent to individual construction sites. The San Luis Obispo County Code exempts construction activities from the noise standards of the Land Use Ordinance between the hours of 7 a.m. and 9 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m., Saturday and Sunday. However, existing sensitive receptors within 300 feet of construction activities may intermittently be exposed to nuisance noise levels during construction associated with the Compact Development Alternative. In addition, vibration from construction activities could also impact nearby sensitive land uses. The primary sources of man-made vibrations are blasting, grading, pavement breaking and demolition. The primary vibratory source during construction within the Compact Development Alternative would likely be large bulldozers and loaded trucks. Existing residences or other sensitive receptors in very close proximity to construction activities may intermittently be disturbed by annoying vibration noise levels. Small scale construction activities would be temporary and intermittent in nature, thereby resulting in less than significant impacts. However, large scale projects such as residential subdivisions, large commercial complexes, and the proposed wastewater treatment facility would require construction over a greater period of time, which could result in impacts to nearby sensitive receptors. Construction-related noise impacts would therefore be Class II, significant but mitigable.

### a. Mitigation –

**N-1(a) Construction Equipment.** Stationary construction equipment that generates noise that exceeds 50 dB(A) Leq at the boundaries of adjacent residential properties or other noise sensitive land uses shall be baffled to reduce noise and vibration levels. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

Refer to Impact N-1 in Section IV above for agricultural operations-related noise impacts.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in

connection with applications for land divisions, land use and construction permits.

- c. **Supportive Evidence** – Please refer to Impact N-1 in Section 4.9, *Noise*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

- 2. **Impact N-2: Long-Term Operational Noise.** Buildout of the Compact Development Alternative would increase human activity and related noise in the Shandon community and vicinity, primarily due to increased vehicular traffic.

Proposed sensitive land use designations along SR 41 from Centre Street to First Street, First Street to Toby Way and Toby Way to SR 46 include Residential and Recreation (outdoor sports and recreation) land uses. These new land uses along these segments of SR 41 would be exposed to noise levels up to 69 dB(A), which exceed the County noise thresholds. A 24 dB(A) reduction in noise levels would be required to achieve interior noise levels of 45 dB(A) or less. The San Luis Obispo County General Plan Noise Element states that a 25 dB(A) noise level reduction can be achieved with conformance to the latest Uniform Building Code standards provided that the new development incorporates specific noise attenuation mitigation measures as listed in the Noise Element. With incorporation of noise attenuation mitigation measures as listed in the Noise Element to reduce noise levels by 25 dB(A), interior noise levels would be reduced to 44 dB(A), which is below the County's 45 dB(A) interior noise threshold.

Although interior noise levels could be reduced below thresholds, proposed sensitive land uses adjacent to segments of SR 41 within the noise contours discussed above would be exposed to exterior noise levels up to 69 dB(A). Impacts associated with noise levels in outdoor activity areas at these proposed sensitive uses along State Route 41 would be Class II, significant but mitigable

- a. **Mitigation –**

The following mitigation measures are recommended for proposed sensitive uses that may be exposed to noise levels in excess of the County 65 dB(A) exterior noise limit.

**N-2(b) Orientation of Outdoor Activity Areas.** Prior to issuance of land use permits for new residential development under the Compact Development Alternative, documentation shall be provided to Planning and Building that shows that exterior noise levels at all outdoor activity areas for proposed new sensitive land uses along SR 41 do not exceed the County's 65 dB(A) exterior noise standard for outdoor activity areas. Outdoor activity areas include backyards and other areas where activities may occur. In order to achieve this standard, outdoor activity areas at noise-sensitive land uses near affected roadways shall be oriented away from the affecting roadway. Alternatively, outdoor activity areas should have individual masonry walls that block line-of-sight to the affecting roadway noise sources.

**N-2(c) Building Façade Improvements.** Prior to issuance of land use permits, documentation shall be provided to Planning and Building that shows that interior noise levels in proposed new residential units along SR 41 do not exceed 45 dB(A). Techniques to reduce noise levels by 25 dB(A) include implementation of Uniform Building Code standards and the following:



- Installation of doors with a minimum Sound Transmission Class (STC) rating of 50;
- Installation of commercially available windows with STC ratings of 32 or higher;
- Within residences, location of bathrooms and kitchens toward the noise source, with bedrooms located away from the noise source; Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed;
- Exterior walls consist of stucco or brick veneer. Wood siding with a ½" minimum thickness fiberboard ("soundboard") underlayer may also be used;
- Glass in both windows and doors should not exceed 20% of the floor area in a room.
- Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications);
- Placement of windows and balconies away from roadways; and,
- Roof or attic vents shall be baffled.

**N-2(d) Truck Delivery Limitations.** Truck deliveries to commercial uses on mixed use development sites shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and Saturdays. Delivery areas shall be oriented away from sensitive uses to the extent feasible. No deliveries shall occur on Sundays.

**N-2(e) Common Wall Insulation.** Pursuant to County Building and Construction Ordinance requirements, common walls between horizontal (side-by-side) and vertical (stacked) mixed use commercial/residential development shall be noise-insulated to provide attenuation of indoor noise levels.

**N-2(f) Sound Barriers for External Equipment.** External noise-generating equipment associated with commercial uses (e.g., HVAC units, etc.) that are located in mixed use developments and/or adjacent to residential uses shall be shielded or enclosed with solid sound barriers.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. Supportive Evidence** – Please refer to Impact N-2 in Section 4.9, *Noise*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

## **J. Public Safety (Class II)**

- 1. Impact S-1: Residual Agricultural Chemicals.** Due to the extensive historical agricultural production that has occurred in the Shandon vicinity, the potential exists for the presence of undocumented residual quantities of presently-banned agricultural chemicals. Additionally, the current use and storage of agricultural chemicals in and around the Shandon community could result in releases of

contaminants that could cause adverse health effects. Because development facilitated by the proposed Compact Development Alternative could occur on land that has previously been used for agricultural production, potential impacts could occur.

It should also be noted that groundwater depths for the majority of the Compact Development Alternative area are less than 30 feet. Should groundwater be encountered, and if it is contaminated, there is the potential for release of contaminants onto areas envisioned for future development. This would be a Class II, significant but mitigable impact.

**a. Mitigation –**

**S-1(a) Soil and Groundwater Assessment.** Prior to construction in areas historically used for agriculture, a soil and groundwater assessment shall be completed by a registered soils engineer or soils remediation specialist to determine the presence or absence of regulated contaminants. If soil or groundwater sampling indicates the presence of any contaminant in quantities not in compliance with applicable laws, the Regional Water Quality Control Board (RWQCB) and Department of Toxic Substances Control (DTSC) shall be contacted by future project applicants to determine any necessary remediation efforts. Soils and/or groundwater shall be remediated in compliance with applicable laws. Site assessments that result in the need for soil excavation are recommended to include: an assessment of air resource impacts and health impacts associated with excavation activities; transportation impacts from the removal or remediation activities; and risk of upset management practices shall be employed if an accident occurs on or off the site. A copy of applicable remediation certification from RWQCB and/or DTSC, or written confirmation that a certification is not recommended shall be submitted to the San Luis Obispo County Planning and Building Department prior to issuance of a building permit.

**S-1(b) Groundwater Testing.** In the event that groundwater is encountered during grading or construction, all grading or construction work in the vicinity of the groundwater shall be halted and the groundwater shall be tested for Total Petroleum Hydrocarbons (TPH) and Volatile Organic Compounds (VOCs), and be screened for common agricultural groundwater pollutants using EPA testing methods. If one or more pollutants are found in unsafe concentrations, the water shall be treated to a concentration below RWQCB standards by a County approved registered environmental assessor or environmental engineer in consultation with RWQCB before the water can be released into the watershed. Such testing can occur in advance of grading activities to preclude the possibility of watershed contamination.

- b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

- c. **Supportive Evidence** – Please refer to Impact S-1 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.
2. **Impact S-2: Risk of Upset.** The Study Area is intersected by four pipelines, including three petroleum pipelines and a State Water Project pipeline. The Compact Development Alternative may facilitate new development in locations near these pipelines. Failure of these pipelines could expose the adjacent population to fire and explosion hazards. Hazards associated with the failure of the water pipeline would be flooding within the Study Area. These pipelines are inspected on a regular basis per state and federal requirements, and under normal conditions do not present a hazard to the community. In addition, a records search was performed for the Study Area and no hazardous materials sites associated with these pipelines were reported. Nonetheless, construction activities have the potential to rupture these pipelines. Impacts are Class II, potentially significant but mitigable.
- a. **Mitigation –**
- S-2(a) Underground Service Alert.** Prior to construction, Underground Service Alert (i.e., USA North) shall be contacted at 811 in order to determine the location of underground pipelines relative to construction activities to ensure pipelines are not damaged or ruptured during construction. If during construction/grading activities the contractor discovers an unknown waste or debris which is believed to involve hazardous waste and/or materials, the contractor shall immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area, and contact the County Planning and Building Department. If hazardous materials (including contaminated soil or groundwater) are uncovered during construction activities, the County and/or the project contractor and authorized agents thereof shall take appropriate measures to assure worker safety and provide for assessment and remediation in accordance with local, state, and federal regulations.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. **Supportive Evidence** – Please refer to Impact S-2 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.
2. **Impact S-4: Valley Fever.** The Study Area contains dry relatively undisturbed soils and known archaeological resources. In addition, the San Luis Obispo County Public Health Department has identified 508 cases of valley fever over the last four years within San Luis Obispo County (San Luis Obispo County Public Health Department, 2009). As a result, valley fever spores have the potential to occur within the Compact Development Alternative 20-year growth boundary. Exposure to valley fever spores could occur during large-scale grading and excavation operations, particularly during summers that follow a rainy winter or spring, or during and immediately after wind and dust storms if spores are

present in soil within areas anticipated for development under the Compact Development Alternative. This impact would be Class II, significant but mitigable.

- a. **Mitigation** – Mitigation measures AQ-1(b) (Dust Control), AQ-1(c) (Cover Stockpiled Soils), AQ-1(d) (Dust Control Monitor), and AQ-1(e) (Active Grading Areas) in Section 4.3, *Air Quality*, of the Final EIR would minimize dust generation, thereby minimizing exposure to valley fever spores, should they be present. In addition, the following mitigation measure is recommended:

**S-4(a) Disclosure of Potential Health Hazard.** This measure shall apply to all new construction of discretionary land use permits or subdivisions within undeveloped parcels. A brochure that discloses the potential health hazards associated with valley fever shall be provided to all construction personnel. At a minimum, the brochure shall include a description of the health effects of valley fever and methods to prevent such effects. The text of the brochure shall be submitted for review by the San Luis Obispo County Health Department. For residential developments, the brochure shall be provided to inform prospective homebuyers about the health effects of valley fever.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.
- c. **Supportive Evidence** – Please refer to Impact S-4 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

**K. Public Services and Utilities (Class II)** – No Class II impacts.

**L. Recreation (Class II)** – No Class II impacts.

**M. Transportation, Circulation, and Traffic (Class II)**

- 1. **Impact T-4: Bicycle, Pedestrian, and Transit Facilities.** Most transportation within the Shandon area is via private automobile, with limited facilities for alternative transportation, and most commute trips are made by private vehicle. However, Shandon is served by the existing San Luis Obispo Regional Transit Authority (RTA) Shandon/Paso Dial A Ride program. The Dial A Ride program offers riders door-to-door transportation within the community of Shandon and to locations in Paso Robles. This service is available, by reservation only, on Mondays, Wednesdays and Fridays from 8:00 a.m. to 5:00 p.m., and offers connections to the Regional Transit Authority's Route 9 bus, Paso Express, and the North County Shuttle at Paso Robles Train Station for additional travel throughout the County. Buildout of the Compact Development Alternative would substantially increase the local population and the associated demand for public transit services. The Compact Development Alternative's impact on the regional public transit system is therefore Class II, significant but mitigable.

- a. **Mitigation** –

**T-4(a) Public Transit Service Improvements.** Future applicants for land divisions and discretionary permits shall coordinate with San Luis Obispo Regional Transit Authority (RTA) and San Luis Obispo Regional Rideshare to implement the following improvements to existing public transit services:

- Expand the existing Dial A Ride program to provide afternoon/evening and weekend transportation on a regular schedule in consultation with San Luis Obispo Regional Transit Authority (RTA);
- At sites determined in consultation with RTA, provide improved public transit amenities (i.e., covered transit turnouts, direct pedestrian access, covered bench, smart signage, route information displays, lighting etc.);
- At sites determined in consultation with RTA, provide a display case or kiosk displaying transportation information in a prominent area accessible to employees and residents; and
- Commercial uses with more than five employees shall implement a Transportation Choice Program to reduce employee commute trips in consultation with San Luis Obispo Regional Rideshare. Information and support for carpools and vanpools shall be provided, and the formation of a telecommuting center shall be considered.
- Construct a Park & Ride lot in the Compact Development Alternative Study Area. The site shall be located in an area with existing pavement or other site disturbance.

**b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence** – Please refer to Impact T-4 in Section 4.13, *Transportation, Circulation and Traffic*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

## **M. Water and Wastewater (Class II)**

- 1. Impact W-1 Water Supply.** Based on the demand estimation factors used in the *Water Resources Evaluation* (Appendix I), the Compact Development Alternative would result in a new urban water demand of approximately 568 AFY. When added to the baseline water demand of 2,047 AFY in the Study Area, this alternative would result in a total water demand of 2,615 in the Study Area. Although planned urban development in accordance with this alternative would displace irrigated croplands, the amount of historical water demand from such croplands is variable and it is presumed that croplands with a similar amount of water demand would intensify elsewhere in the groundwater basin area based on the market demand for agricultural commodities. Therefore, no offset of agricultural water demand is assumed in this analysis or required to reduce impacts below thresholds of significance. As indicated by the *Water Resources Evaluation* (Appendix I), a demand of 2,431 AFY or greater would result in



overdraft of groundwater resources. Therefore, impacts to groundwater resources would be Class II, significant but mitigable.

**a. Mitigation –**

**W-1(a) Importation of State Water Project.** The County has contract rights to request a portion of the State Water Project water each year, in accordance with a long term water service contract with the Department of Water Resources. Future applicants shall fund the County's pursuit of this State Water Project allocation to offset impacts to groundwater resources.

**W-1(b) Retrofit Program for Existing Development.** Future applicants for land divisions and discretionary permits shall fund the County's development and implementation of a toilet retrofit program to replace existing high flow toilets (5.5 gallons per flush) with low flow toilets (1.28 gallons per flush) in existing residential and commercial structures. It is assumed that approximately two-thirds of the existing 373 residential units within the Study Area have high flow toilets and that up to 70% of those toilets could be converted to low flow toilets (assumptions based on Santa Barbara County Resource Management Department, Groundwater Thresholds Manual, 1992). The annual savings per person is approximately 6,163 gallons. Return flow are estimated to be 31%. Therefore, this program could save up to approximately 8 AFY. Additionally, existing commercial uses would further reduce water demand if they participated in the program; however, data is not available to estimate the amount water savings for these uses.

**W-1(c) Water Conservation Measures.** New residential and commercial development within the Compact Development Alternative area shall implement the following water conservation measures.

- Installation of low flow or dual flush toilets;
- Installation of low flow shower heads and water faucets;
- Installation of energy efficient appliances;
- Drip irrigation or micro-sprayers on appropriate landscaped areas;
- Use of devices such as soil monitors and rain shutoff devices for all automatic irrigation systems;
- Use of mulch in non-turf areas;
- Use of permeable hardscape to the extent feasible;
- Use of soil amendments to increase soil moisture holding capacity of soil;
- Use of native low water using landscaping; and
- As available, participate in a tiered water rates program that charges higher rates based on higher volumes of water use, and lower rates based on lower volumes of water use, to provide a financial incentive to conserve water.

**W-1(d) Groundwater Offset.** New nonagricultural use of groundwater shall be offset through one or more of the means listed below prior to issuance of construction permits for any of the following new development: 1) development resulting from new land divisions, 2) land use permits that result in greater than four (4) dwelling units, 3) development of more than 9,999 square feet of floor area for uses listed under the industry, manufacturing and

processing land use group, 4) development of more than 2,499 square feet of floor area for uses listed under all other non-residential use groups.

- a. Retrofit high-flow toilets and other plumbing fixtures within the Paso Robles Groundwater Basin with low-flow toilets and plumbing fixtures;
- b. Participate in a Board of Supervisors-approved plumbing retrofit program for the Paso Robles Groundwater Basin;
- c. Use the California Urban Water Conservation Council's (CUWCC) best management practices for water conservation;
- d. Pay a "fair share" of the costs for delivering State water in excess of CSA-16's 2011 allocation of 100 acre-feet per year;
- e. Participate in a Board of Supervisors-approved lot retirement program for the Paso Robles Groundwater Basin;
- f. Participate in the County's Transfer of Development Credits (TDC) program pursuant to Chapter 22.24, provided eligible sending sites are located within the Paso Robles Groundwater Basin, and receiving sites shall not be eligible for a density bonus. The receiver site will receive credit for the water demand that the sending site would have otherwise used, if developed. The ground water off-set shall be determined at the same time the receiver site determination is made.
- g. Participate in a Board of Supervisors-approved rural water conservation program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.
- h. Participate in a Board of Supervisors-approved fee program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.

**b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence** – Please refer to Impact W-1 in Section 4.14, *Water and Wastewater*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR. Implementation of the groundwater offsets required in Mitigation Measure W-1(d) is anticipated to result in a net water demand of no more than 50 AFY, from small-scale development for which offsets would not be applied. Implementation of Mitigation Measure W-1(a) would result in importation of 100 AFY of State Water to the Paso Robles Groundwater Basin area, which would fully offset the anticipated net increase in water demand. In addition, much of the water supply used as a result of planned urban development in the study area would replenish the groundwater basin as return flows from the wastewater treatment plant. The amount of this replenishment would range from 238 AFY to 280 AFY.

**2. Impact W-2: Water Facilities Impacts due to Increased Demand.** Project-specific velocities and pressure, pipe sizing, well capacities, fire flow requirements for future upgrades to the water distribution system would need to be determined when such upgrades are designed. The current *Water Master Plan*, which would specify such requirements for CSA 16, does not reflect



buildout of the Compact Development Alternative. As such, the Water Master Plan would need to be updated to accommodate the level of development anticipated by the Compact Development Alternative. Therefore, impacts to water facilities would be significant but mitigable, Class II.

**a. Mitigation –**

**W-2(a) Water Master Plan Update.** The CSA 16 Water Master Plan shall be updated to include the proposed Compact Development Alternative and corresponding expansion of the CSA 16 service boundary. The update should be guided by the County Public Works Department and be funded by future developers in proportion to the increase their development will have on the area covered by the CSA 16 Water Master Plan. Additional funding to prepare the Master Plan Update would come from source identified in the Public Facilities Financing Plan for the Compact Development Alternative. The Master Plan Update will serve both the existing community and new development and should accomplish, at a minimum, the following:

1. Provide project-specific evaluations of velocities and pressure throughout the system at various demand scenarios.
2. Provide project-specific hydraulic modeling and fire flow analyses to evaluate impacts to operating pressures and fire flow availability in the existing and proposed water system and determine what, if any, water system upgrades are recommended for each project.
3. Provide design criteria and standards for various components of the water system, including pipe sizing, well capacities, fire flow requirements, pipe velocities and pressures.

Provide phasing recommendations for upgrades to the water system.

**b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence –** Please refer to Impact W-2 in Section 4.14, *Water and Wastewater*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

- 2. Impact W-3: Wastewater Treatment and Disposal Facilities.** Overall, the proposed WWTF would provide sufficient treatment capacity to accommodate buildout of the Compact Development Alternative, but would not include adequate disposal and storage facilities. Impacts would be Class II, significant but mitigable.

Considering the proximity to the Estrella River, groundwater levels at the site may restrict the feasibility of siting a septic system and leachfield on the parcel. The Basin Plan sets minimum setbacks from watercourses and domestic water wells at 100 feet. Although the size of the parcel and characteristics of the underlying soils are favorable toward implementation of a septic system with leach fields, site specific borings, groundwater quality data, percolation tests, and

hydrogeological characterization will be required to confirm the suitability of the proposed site and system design. Impacts would be Class II, significant but mitigable.

**a. Mitigation –**

**W-3(a) Wastewater Disposal and Storage Capacity.** The proposed WWTF storage and disposal facilities shall be designed to allow phasing to eventually accommodate full buildout of the Compact Development Alternative.

**W-3(b) Septic Tank and Leachfield Site Plan.** Future applicants for development on the northwest commercial parcel shall develop and submit a septic tank and leachfield site plan, as well as percolation tests and borings in accordance with County leachfield design/construction requirements. The applicant shall demonstrate sufficient leachfield percolation for proposed uses, in accordance with County standards.

**b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

**c. Supportive Evidence –** Please refer to Impact W-3 in Section 4.14, *Water and Wastewater*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the Final EIR.

**O. Greenhouse Gas Emissions (Class II) No Class II impacts.**

<b>VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)</b>
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*The unavoidable significant impacts of the program are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the program may result in the following significant, unavoidable environmental impacts:*

**A. Aesthetics (Class I) – No Class I Impacts.**

**B. Agricultural Resources (Class I)**

- 1. Impact AG-1: Conversion of Prime Agricultural Lands.** Several areas containing prime agricultural land that are currently designated Agriculture would be converted to non-agricultural use under the Compact Development Alternative. This includes areas west and north of the existing URL, and the Fallingstar Phase II property. In addition, the Compact Development Alternative includes construction of a new wastewater treatment facility (WWTF), which would be located on prime agricultural land in areas designated Agriculture. Development of the WWTF would result in the conversion of an additional 31 acres of agriculture. In addition, approximately 359 acres within the 20-year growth boundary are currently under Williamson Act Contract. The areas under contract include a large parcel northwest of the existing Shandon URL and the

easternmost portion of the 20-year growth boundary, south of Centre Street/SR 41. Both of these parcels could be developed with residential, commercial and/or mixed uses under the Compact Development Alternative. In addition, the wastewater treatment facility location is under Williamson Act contract. This development would conflict with the existing Williamson Act Contract. Due to the conversion of prime agricultural land to non-agricultural use and conflicts with existing Williamson Act Contracts, impacts would be Class I, significant and unavoidable.

**a. Mitigation –**

**AG-1(a) Reduction of Premature Agricultural Conversion.** To reduce premature conversion of prime agricultural lands, including those currently under a Williamson Act Contract, the following policy shall be added to the Compact Development Alternative Community Plan:

The County shall develop specific priority rankings for the appropriate timing and location of agricultural conversion in consultation with the Agricultural Department. The factors used to determine these rankings may include, but would not be limited to, the following:

- Development of vacant land within urban areas before agricultural land outside of the urban area;
- Adjacency to existing urban or suburban development;
- Prioritized protection of prime land before non-prime land; and
- Prioritized protection for certain agricultural uses (e.g., row crop terrain and soils, specialty crops and forage lands, dry farm lands, and rangelands for grazing).

**AG-1(b) Farmland Conservation.** Prior to the map recordation, future applicants for projects located on prime agricultural land in areas currently designated for Agriculture shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of 1:1 for direct impacts and 0.5:1 for indirect impacts. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved may consist of no more than three noncontiguous parcels, and shall be of a quality that is reasonably (as determined by the Agricultural Commissioner or designee) similar to that of the farmland within the proposed 20-year growth boundary. The area shall be located within San Luis Obispo County within a reasonable proximity to the Study Area.

Subject to the approval of the Agricultural Commissioner, in lieu of mitigation measure AG-1(b), the following mitigation may be implemented.

**AG-1(c) Funding for Farmland Conservation.** Prior to the map recordation, future applicants for projects located on prime agricultural land and in areas currently designated for Agriculture shall provide evidence to the County Planning and Building Department that funds sufficient (as determined by the Agricultural Commissioner or designee) to, (1) purchase a farmland

conservation easement, deed restriction, or other farmland conservation mechanism, and (2) to compensate for administrative costs incurred in the implementation of this measure, have been provided to the California Farmland Conservancy Program or similar program (as approved by the Agricultural Commissioner or designee), which will provide for the conservation of adequate acres of farmland [based on ratios defined in mitigation measure AG-1(b)] in San Luis Obispo County.

- b. Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence** – Please refer to Impact AG-1 in Section 4.2, *Agricultural Resources*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

### **C. Air Quality (Class I)**

- 1. Impact AQ-4: Objectionable Odors.** The Compact Development Alternative includes the provision of a new wastewater treatment plant that would be constructed as residential and commercial development occurs. The wastewater treatment facility location would place the treatment plant less than one mile from proposed and existing residential uses and other sensitive receptors such as schools. Significant impacts could result if the wastewater treatment plant is located less than one mile from sensitive receptors. The close proximity of the plant may allow for nuisance odors to drift and affect these nearby residential uses on days with low winds. These nuisance odors would be difficult to confine as they are carried by wind towards existing and proposed residential uses and other sensitive receptors. Therefore, due to the proposed locations of the plants and because it is located less than one mile from sensitive receptors, impacts would be Class I, significant and unavoidable.

- a. Mitigation –**

**AQ-4(a) Odor Reduction Measures.** The wastewater treatment plant design shall include technologies to reduce odor emissions, which may include one or more of the following:

- Add-on Controls
- Process Changes
- Carbon Absorption
- Incineration
- Strategic Placement of stacks/vents

- b. Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and

included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. **Supportive Evidence** – Please refer to Impact AQ-4 in Section 4.3, *Air Quality*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

**E. Biological Resources (Class I) – No Class I Impacts.**

**F. Cultural Resources (Class I)**

1. **Impact CR-1 Impact to Known Historic or Archeological Resources.** Planned commercial retail uses and lands designated for mixed use land would be located within the historical core of the community. The Compact Development Alternative would also include public services such as water and sewer systems and road improvements to support the new development, as well as new parkland. Most of the new residential units and parks would not impact historical buildings, although the majority of the new commercial and mixed use units would fall within the boundaries of the original town site where the majority of the community's historical buildings are located. As a result, a significant impact on historical resources could occur through damage to or destruction of significant properties, or by diminishing the integrity of the context and setting of such properties. Such impacts from Plan buildout, rezoning, and other actions would be significant and unavoidable, Class I.

**a. Mitigation –**

**CR-1(a) Community Plan Resource Protection Policies.** The following policies shall be added to the proposed Community Plan Update:

- Archaeological and historical resources shall be protected and preserved to the maximum extent feasible.
- Where preservation is not feasible, the significance of each resource shall be evaluated according to current professional standards and appropriate mitigation measures shall be implemented prior to County approval of any development. Mitigation may include, but not be limited to, data recovery and graphic documentation (photographs, drawings, etc.).

**CR-1(b) Historical Buildings.** At the time of application for discretionary land use permits or subdivisions that involve the demolition or alterations of buildings or structures greater than 50 years old within the 20-year growth boundary, the applicant shall retain a historian or architectural historian who meets the Secretary of Interior's Professional Qualifications Standards to document and evaluate the historical significance of the affected buildings or structures. If such documentation and evaluation indicates that the building or structure qualifies as a significant historical resource, further documentation to reduce impacts on historical resources shall be provided, including but not limited to archival quality photographs, measured drawings, oral histories, interpretive signage, and/or other measures.

It is further recommended that the County complete an inventory of historical resources within the Shandon community to provide a list of significant properties that may warrant additional treatment in the event of proposed future building alterations, and to determine whether the core area of the community qualifies as a historical district. The inventory should identify significant buildings, structures, and sites; determine which resources contribute to the significance of any such district, and determine where the boundaries of such district are located.

This inventory would narrow the range of buildings and properties that warrant evaluation as potential historic resources.

**CR-1(c) Archaeological Resources.** At the time of application for discretionary land use permits or subdivisions that will involve any grading, trenching, or other ground disturbance within the 20-year growth boundary, the applicant shall retain a County qualified Registered Professional Archaeologist to complete a Phase 1 archaeological inventory of the project site. In addition to the surface survey, the inventory shall include sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present.

Any prehistoric or historic archaeological remains so identified shall be evaluated for significance and eligibility to the CRHR. Phase 2 evaluation shall include any necessary archival research to identify significant historical associations as well as mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit to characterize the nature of the sites, define the artifact and feature contents, determine horizontal boundaries and depth below surface, and retrieve representative samples of artifacts and other remains. Any excavation at Native American sites shall be monitored by a tribal representative. Cultural materials collected from the sites shall be processed and analyzed in the laboratory according to standard archaeological procedures. The age of the remains shall be determined using radiocarbon dating and other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)" (<http://ohp.parks.ca.gov/pages/1054/files/armr.pdf>). Upon completion of the work, all artifacts, other cultural remains, records, photographs, and other documentation shall be curated at the Repository for Archaeological and Ethnographic Collections of the University of California, Santa Barbara, or another facility approved by the Environmental Coordinator. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.

If any of the resources meet CRHR significance standards, the County Environmental Coordinator shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and any permits issued for development. Any necessary data recovery excavation shall be carried out by a County qualified Registered Professional



Archaeologist according to a research design reviewed and approved by the County Environmental Coordinator prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), *Guidelines for Archaeological Research Design*, or the latest edition thereof.

**CR-1(d) Infrastructure Development.** Development of sidewalks, drainage structures, parking facilities, or the installation of underground utilities in Shandon shall be done in a manner that preserves the integrity of historical resources, as feasible. Plans for any such development shall be reviewed by the County Environmental Coordinator or a designated historical consultant. If necessary, Phase 1 archaeological or historical surveys and Phase 2 testing and evaluation shall be completed prior to development, following the same standards and guidelines as outlined under Mitigation Measure CR-1(c) above. Measures to avoid, reduce, or mitigate adverse impacts shall be incorporated into project design.

New recreational sites (parks, trails, and related developments) shall be sited and designed to avoid impacts to archaeological and historical resources. Prior to final approval, proposed recreation sites should be surveyed and redesigned where necessary to avoid archaeological or historical resources, subject to final approval by the County Environmental Coordinator.

- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supportive Evidence** – Please refer to Impact CR-1 in Section 4.5, *Cultural Resources* and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

**G. Drainage, Erosion and Sedimentation (Class I)** – No Class I Impacts.

**H. Geologic Hazards/Site Alteration (Class I)** – No Class I Impacts.

**I. Land Use (Class I)**

- 1. **Impact LU-1: Conflicts with Existing Plans, Policies, or Regulations.** The Compact Development Alternative would be potentially inconsistent with two of the eight Strategic Growth Principles and one Public Services Policy in the County's Land Use Element; two of the three applicable policies in the Agriculture Element, two of the three Cultural Resources policies, the Open Space Resources, and two of the four applicable policies in the Noise Element. These potential inconsistencies result primarily from significant impacts of the Plan to agriculture, noise, public services (libraries), traffic, and greenhouse gas emissions. Impacts related to these inconsistencies would be Class I, significant and unavoidable.



**a. Mitigation –**

Measures described in Sections 4.1 through 4.15 of the Final EIR would mitigate impacts related to conflicts between the San Luis Obispo County General Plan and the Compact Development Alternative. No further mitigation is recommended in order to reduce this impact.

**b. Findings –** Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

**c. Supportive Evidence –** Please refer to Impact LU-1 in Section 4.8, *Land Use*, Section 6.3.2 in Section 6.0, *Alternatives*, and Appendix B, *Policy Consistency*, of the FEIR.

**J. Noise (Class I)**

- 1. Impact N-2: Long Term Operational Noise.** Cumulative baseline plus project noise levels along SR 41 would exceed the County's 65 dB(A) Ldn residential threshold for outdoor activity areas at all studied roadway segments of SR 41, except between First Street and Toby Way. Existing sensitive uses include several residences to the south of SR 41 between Centre and First Streets, Crawford- W. Clarke Memorial Park, Shandon Middle/High School, and several residences from First Street to Toby Way and from Toby Way to SR 46. Existing sensitive receptors along SR 41 would be exposed to noise levels exceeding the County's 65 dB(A) Ldn residential threshold upon buildout of the Compact Development Alternative. Impacts to these existing sensitive uses along State Route 41 would be Class I, significant and unavoidable. Impacts to proposed uses and other existing sensitive receptors along other roadways within the Compact Development Alternative area would be either Class III or Class II and are discussed in Section IV or V, respectively.

**a. Mitigation –**

**N-2(a) Supplemental Noise Study and Abatement for Affected Existing Residences.** Prior to issuance of land use permits for new residential subdivisions under the Compact Development Alternative, a supplemental noise study shall be provided to Planning and Building that quantifies projected interior and exterior noise levels at outdoor activity areas, accounting for construction type, distance from roadway, local topography, and shielding by existing buildings, for affected existing sensitive land uses along SR 41. If the County's 65 dB(A) exterior noise standard or 45 dB(A) interior noise standard is determined to be exceeded due to project development, applicants shall contribute their fair share toward a County-administered fund for construction of masonry sound walls to abate excessive exterior noise, and/or to enable existing residents to retrofit their homes with

noise-reducing building measures to abate excessive interior noise. Noise reduction may be achieved through measures including, but not limited to:

- Installation of doors with a minimum Sound Transmission Class (STC) rating of 50;
- Installation of commercially available windows with STC ratings of 32 or higher;
- Baffling of roof or attic vents; and/or
- Masonry walls between roadways and affected outdoor activity areas.

If masonry walls are required, then long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided.

- b. Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence** – Please refer to Impact N-2 in Section 4.9, *Noise*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

**K. Public Safety (Class I)** – No Class I Impacts.

**L. Public Services and Utilities (Class I)**

- 1. Impact PS-5: Public Libraries.** The Compact Development Alternative does not include the provision of a new library, and the funding for such facilities is uncertain at this time. As development incrementally occurs under the Compact Development Alternative, library services would be increasingly impacted and the population of Shandon would be inadequately served until such library services are provided. Future project applicants would be required to pay impact mitigation fees in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April, 2006) prior to the issuance of a building permit. Payment of these fees would contribute to the provision of additional library materials or new or expanded facilities as needed to accommodate potential growth. However, impact mitigation fees would be incrementally collected as development occurs under the Compact Development Alternative and only partially offset impacts. Because a new or expanded library is currently needed, the population of Shandon would not have access to adequate library services until an adequate amount of impact mitigation fees have been collected and additional funding sources have been identified to support the construction of a new or expanded library. Nonetheless, because the Compact Development Alternative would further exacerbate inadequate library services, the funding for new or expanded facilities is uncertain and the population of Shandon would be served by inadequate library

services for an undetermined amount of time, impacts to library services would be Class I, significant and unavoidable.

**a. Mitigation –**

No mitigation measures are feasible beyond payment of impact mitigation fees as required by the County of San Luis Obispo.

**b. Findings –** Changes or alterations cannot be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Impacts are acceptable by reason of the overriding considerations discussed in Section VII.

**c. Supportive Evidence –** Please refer to Impact PS-5 in Section 4.11, *Public Services and Utilities*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

**M. Recreation (Class I) –** No Class I Impacts.

**N. Transportation, Circulation and Traffic (Class I)**

**1. Impact T-1: Circulation System Impacts.** The following intersections are projected to operate at LOS D or worse under Cumulative Base (Year 2030) Plus Project AM, PM, and/or Friday PM peak hour conditions:

- West Centre Street-McMillan Canyon Rd/SR 46;
- East Centre Street (SR 41)/SR 46;
- US 101 Southbound Ramps/SR 46 East;
- US 101 Northbound Ramps/SR 46 East;
- SR 41/West Centre Street;
- First Street/East Centre Street (SR 41); and
- Toby Way/East Centre Street (SR 41).

In addition, the SR 46 East segment between West Centre Street-McMillan Canyon Road and East Centre Street is projected to operate at LOS E or worse under Cumulative Base (Year 2030) Plus Project AM, PM, and Friday PM peak hour conditions (on a percent-time-spent-following basis). In addition, the West Centre Street segment between SR 46 and SR 41, if regarded as a “two-lane collector/local street” (per the 1981 circulation map), is projected to operate at LOS E under Cumulative Base (Year 2030) Plus Project; however, with functional reclassification as a “two-lane arterial” (consistent with adjacent segments) the segment is projected to operate at LOS C conditions under Cumulative Base (Year 2030) Plus Project. The remaining study roadway/highway segments are projected to operate at LOS C or better under Cumulative Base (Year 2030) Plus Project conditions.

If the construction and occupation of residences occurs prior to completion of recommended improvements, existing deficiencies and associated impacts would remain. Although proposed mitigation would reduce impacts to the extent possible, improvements that fall within Caltrans right-of-way would be subject to Caltrans approval and therefore timing and implementation of the recommended Caltrans improvements are not guaranteed at this time. In addition, Caltrans does not have a set of parameters that is required to be met to install a traffic signal on a highway corridor if it is not consistent with its long-term planning concept/vision for that corridor. In other words, although there is no Caltrans policy that strictly prohibits their acceptance of signalization on highways or other

improvements that do not directly adhere to their policy goals for a corridor, Caltrans reserves the right to deny a traffic signal even if one or more signal warrant criteria are met. As a result, impacts to local intersection operations would remain Class I, significant and unavoidable.

**a. Mitigation –**

**T-1(a) Development Funding Mechanism for Traffic Improvements**

**Within the Plan Area.** As part of the Compact Development Alternative, a funding mechanism shall be established to construct and implement necessary improvements identified in mitigation measures T-1(c) through T-1(e). The funding mechanism shall consist of either an area-wide fee where applicants for future development will be required to pay impact fees or a requirement that future applicants “front” the cost of the improvements and be reimbursed as land uses are developed.

**T-1(b) Development Funding Mechanism for Traffic Improvements**

**Outside the Plan Area.** A funding mechanism shall be established to construct and implement necessary off-site improvements located within the City of Paso Robles identified in the February 2010 Wood Rogers Transportation Impact Study (i.e., widening of SR 46 and improvements to the SR 46/ US 101 interchange). Regional projects that shall contribute their fair share of fees are those which would utilize SR 46 as their primary access to urban services. The fee mechanism would be developed by the County. The funding mechanism shall consist of either an area-wide fee where projects that are located within the Study Area will be required to pay impact fees that would be provided to the City of Paso Robles or a requirement that applicants for future applicants “front” the cost of the off-site improvements and be reimbursed as land uses are developed. A preliminary fair-share estimate for the planned future SR 46 East grade-separated interchanges at Jardine Road, Union Road, and Golden Hill Road is included in Table 1 of Appendix F, Transportation Impact Study.

**T-1(c) West Centre Street-McMillan Canyon Road and SR 46 East**

**Improvements.** Future applicants for development under the Compact Development Alternative shall pay fair share fees to construct a grade-separated interchange at the intersection of West Centre Street-McMillan Canyon Road and SR 46 East. As an alternative, future applicants shall provide for:

- A traffic signal;
- Intersection modifications, including dual northbound left-turn lanes, a single northbound shared through-right lane, and a dedicated southbound left-turn; and
- A dedicated right-of-way footprint to allow for construction of a future grade-separated interchange at West Centre Street-McMillan Canyon Road and SR 46 East.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report (PSR) and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

**T-1(d) East Centre Street (SR 41) and SR 46 East Improvements.** Future applicants for development under the Compact Development Alternative shall pay fair share fees to construct a grade-separated interchange at the intersection of East Centre Street (SR 41) and SR 46 East. As an alternative, future applicants shall provide for:

- A traffic signal;
- A northbound right-turn lane (overlap right-turn phase); and
- A dedicated right-of-way footprint to allow for construction of a future grade-separated interchange at East Centre Street and SR 46 East.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A PSR and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

**T-1(e) Centre Street Two-Way Left-Turn Lane.** Future applicants for development under the Compact Development Alternative shall pay fair share fees into a funding mechanism established to widen the two-lane arterial segment of Centre Street from First Street through Toby Way, including both of these streets intersections with Centre Street, to provide a continuous two-way-left-turn median lane (TWLTL) in order to provide for adequate turn-lane movements/ storage at key intersections and mid-block locations. This improvement shall include southbound left-turn channelization on First Street approach to Centre Street. Addition of a TWLTL for this segment mitigates the need for signals at First Street and Toby Way.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A PSR and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

- b. Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence** – Please refer to Impact T-1 in Section 4.13, *Transportation, Circulation and Traffic*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

**O. Water and Wastewater (Class I)** – No Class I Impacts.

**P. Greenhouse Gas Emissions (Class I)**

- 1. Impact GHG-1: Greenhouse Gas Emission/Global Climate Change.** The Compact Development Alternative would have a significant impact on GHG



emissions if it would exceed the 10,000 tons CDE/year threshold, or if it would be inconsistent with the GHG reduction strategies in the 2006 CAT Report or the 2008 Attorney General's Greenhouse Gas Reduction Report. The Compact Development Alternative would emit 148,882 metric tons CDE/year, which would exceed quantitative thresholds. The Compact Development Alternative would be consistent with the GHG reduction strategies set forth by the 2006 CAT Report and the 2008 Attorney General's GHG Reduction Report. However, due to combined emissions in excess of CAPCOA's suggested thresholds, the Compact Development Alternative's contribution to cumulative GHG emissions and climate change would be Class I, significant and unavoidable.

**a. Mitigation –**

Mitigation measures AQ-1(a) and AQ-3(a) in Section 4.3, *Air Quality*, of the Final EIR would reduce GHG emissions from the Compact Development Alternative; however, no additional feasible mitigation measures are available.

**b. Findings –** Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

**c. Supportive Evidence –** Please refer to Impact GHG-1 in Section 4.15, *Greenhouse Gas Emissions*, and Section 6.3.2 in Section 6.0, *Alternatives*, of the FEIR.

<b>VII. STATEMENT OF OVERRIDING CONSIDERATIONS</b>
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Findings pursuant to CEQA Guidelines sections 15092 and 15093.

- A.** The Compact Development Alternative's significant, unmitigable, unavoidable adverse effects are as follows:
1. The Compact Development Alternative would permanently convert agricultural land to non-agricultural uses and conflict with Williamson Act contracts.
  2. The Compact Development Alternative would result in the construction of a wastewater treatment plant, which would emit uncontrollable nuisance odors and thereby adversely affect nearby residential uses.
  3. The Compact Development Alternative would result in a potentially significant impact on historical resources through damage to or destruction of significant properties, or by diminishing the integrity of the context and setting of such properties within the historical core of the community.
  4. The Compact Development Alternative would conflict with several existing County plans, policies and regulations.
  5. The Compact Development Alternative would expose existing sensitive receptors along SR 41 to noise levels in excess of the County's 65 dB(A)



exterior noise level threshold.

6. The Compact Development Alternative would further exacerbate inadequate library services and the population of Shandon would be served by inadequate library services for an undetermined amount of time.
7. The Compact Development Alternative would cause several intersections and roadway segments to operate at unacceptable Levels of Service (LOS D or worse)
8. The Compact Development Alternative would substantially exceed the 10,000 metric tons of CO<sup>2</sup>E threshold for Greenhouse Gases.

**B. Findings** – The County has weighed the benefits of the Compact Development Alternative against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the County finds that the benefits of the project outweigh its unavoidable adverse environmental impacts.

**C. Supporting Evidence**

1. Social, Economic and Environmental Benefits. The Compact Development Alternative would result in the following social, economic, and environmental benefits:
  - a. Provide economic and social benefits to San Luis Obispo County in the form of job creation, increased spending, and sales tax revenues.
  - b. Commercial retail and office components of the Compact Development Alternative would generate approximately 2,293 new jobs and commensurate economic activity in the Shandon area (based on the County of San Luis Obispo's Public Facilities Financing Plan factors of two employees per 1,000 square feet of retail space and 3.33 employees per 1,000 square feet of office space).
  - c. Retail commercial and office uses of the Compact Development Alternative would provide jobs within the local area for the additional residents generated by the Compact Development Alternative.
  - d. The Compact Development Alternative would add approximately 3,894 new residents in Shandon. These new residents would increase activity in existing and new retail establishments. The increase in economic activity generated by the new residents in the Study Area would increase the demand for services, such as restaurants, gasoline stations, landscaping/gardening, home cleaning and maintenance, and other domestic services.
  - e. The Compact Development Alternative would feature several characteristics that would reduce transportation average energy demand, including: compact development, pedestrian and bicycle connections, walkability, mixed-use development, and public transit opportunities.
  - f. The Compact Development Alternative would provide land uses that contribute to an orderly, appropriately scaled and economically healthy village center with a range of commercial, residential, civic, cultural and recreational uses.

- g. Development in accordance with the Community Plan will provide high quality new housing and non-residential development that will complement the existing housing stock and built environment.
2. Mitigation Enhancement. The Final EIR contains mitigation measures that will substantially lessen the significant effects of the project. The following are some of the more substantial environmental offsets of the mitigation measures:
  - a. Creation of an easement to provide agricultural conservation as development projects occur on agricultural lands. Agricultural land is to be replaced at a ratio of 1:1 for direct impacts and 0.5:1 for indirect impacts.
  - b. New residential subdivisions under the Compact Development Alternative are to prepare a noise study that quantifies projected interior and exterior noise levels for affected existing sensitive land uses along SR 41 to ensure noise thresholds are not exceeded.
  - c. Development of a funding mechanism and provision of funding for traffic improvements including various improvements west centre Street-McMillan Canyon Road and SR 46 East, improvements at East Centre Street (SR 41) and SR 46, and a two-way left-turn lane at Centre Street.
3. Mitigation Measures Not Adopted. None of the mitigation measures recommended in the Final EIR for the Compact Development Alternative have been excluded.
4. Alternatives. The Compact Development Alternative is revised from the originally-proposed Shandon Community Plan as analyzed in the Final EIR. The Compact Development Alternative is recommended because it would be environmentally superior to all other alternatives, except the No Project alternative. The Compact Development Alternative would result in a 35.3% reduction in development potential compared to the originally-proposed Community Plan and would revise the proposed 20-year growth boundary to exclude several areas compared to the Community Plan, including the Fallingstar Phase II area near the eastern boundary of the plan area, agricultural lands near the western boundary, and several low-density residential parcels to the south of Peaceful Valley Lane. Based on the reduced land area, the Compact Development Alternative would reduce impacts related to long-term site disturbance impacts (such as aesthetics, agricultural resources, biological resources, drainage, and geologic hazards) when compared to the originally-proposed Community Plan. The Compact Development Alternative would also reduce four significant and unavoidable impacts, including visual character changes, alteration of scenic views, and CAP consistency to a lesser level of significance, when compared to the originally-proposed Community Plan. Accordingly, the originally-proposed Community Plan has been rejected.

The following project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:

- **Alternative 1: No Project/No Development**. The No Project/No Development Alternative is considered environmentally superior overall, since no development that could result in significant environmental

impacts would occur. However, this alternative would not resolve ongoing water quality issues related to the concentration of septic systems in the community. This alternative would not add amenities for which the community has expressed a desire. As this alternative would facilitate no changes to the local circulation system, it would not address impacts relating to regional traffic growth, which the County does not control, nor would it add bike lanes, pedestrian, facilities, or other circulation system improvements. The failure to facilitate the construction of additional housing and non-residential development could potentially result in overcrowded conditions within the existing housing stock and decreased job opportunities and/or retail shopping opportunities for local residents. This is a purely hypothetical alternative that is not realistic given that even if a Community Plan update is not adopted, property owners in Lompoc would retain the development rights they have under the current Community Plan. In addition, this alternative would not result in commercial demand to support the establishment of community-serving commercial uses that would incrementally reduce average commute and retail trips. This alternative would not meet any of the identified Community Plan project objectives. Therefore, this alternative is not considered feasible (from either a legal or practical standpoint).

- **Alternative 2: No Project/Existing Zoning.** The No Project/Existing Zoning considered environmentally superior to the proposed Compact Development Alternative since development potential would be approximately 65% when compared to the Shandon Community Plan. However, this alternative, similar to the No Project/No Development Alternative, would not resolve ongoing water quality issues related to the concentration of septic systems in the community. In addition, this alternative would not result in commercial demand to support the establishment of community-serving commercial uses that would incrementally reduce commute and retail trips. This alternative would not meet any of the identified Community Plan project objectives. Therefore, this alternative is not considered feasible.
- **Alternative 4: Agricultural Priority.** This alternative is environmentally inferior to the Compact Development Alternative. This is due to the increase in buildout potential compared to the Compact Development Alternative (27.3%). Although the Agricultural Priority Alternative would eliminate significant impacts to agricultural resources and land use, when compared to the Compact Development Alternative, it would result in three additional Class I, significant and unavoidable, impacts (visual character changes, alteration of scenic views, and CAP consistency).
- **Alternative 5: Reduced Project.** This alternative is environmentally inferior to the Compact Development Alternative. Although it would reduce both the number of residential units and non-residential buildout compared to the Compact Development Alternative, it would expand the 20-year growth boundary, thereby resulting in a 35.9% increase in developable land. Therefore, impacts related to long-term site disturbance (such as aesthetics, agricultural resources, and biological resources) would all be worse under the Reduced Project Alternative. The Reduced Project Alternative would result in two additional Class I, significant and

unavoidable, impacts (visual character changes and alteration of scenic views) when compared to the Compact Development Alternative.

#### **VIII. CEQA GENERAL FINDINGS**

- A.** The County finds that changes or alterations have been incorporated into the program to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII.
- B.** The County finds that the program, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

#### **IX. MITIGATION MONITORING PROGRAM**

- A.** The County of San Luis Obispo will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
- *Prior to Community Plan adoption.* These are measures where the Community Plan text was revised due to the EIR analysis prior to adoption of the Plan.
  - *Prior to building permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects before they are constructed.
  - *Prior to grading permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects before grading commences.
  - *Prior to land use permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects prior to issuance of any land use permit.
  - *Prior to final recordation.* These are measures where the County needs to review and approve proposed plans of individual projects prior map recordation of any subdivision.
  - *Prior to occupancy clearance.* These are measures where the County needs to site inspect plans prior to occupancy clearance.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA.

- B.** As lead agency for the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR, the County hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.